United States Court of Appeals

for the Second Circuit

JOINT APPENDIX

ORIGINAL

76-7557 & 7572 & 7589

United States Court of Appeals

For the Second Circuit

B
P/S

ANTHONY PEREZ, JR.,
Plaintiff-Appellant-Appellee,

against

MUHAMMAD ALI a/k/a CASSIUS CLAY,
Defendant and Third-Party Plaintiff-Appellee-Appellant,

against

AMERICAN BROADCASTING COMPANIES, INC. and ABC SPORTS, INC.,
Third-Party Defendants-Appellees-Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK.

UNITED STATES COURT OF APPEALS
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SECOND CIRCUIT

JOINT APPENDIX.

Volume I—Pages 1a to 308.

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COMPLAINT.

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UNITES STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

75 CIV. 1824

ANTHONY PEREZ, JR.

Plaintiff,

-against-

MUHAMMAD ALI a/k/a CASSIUS CLAY,

Defendant.

COMPLAINT

JURY TRIAL DEMANDED

Plaintiff, by HARRY H. LIPSIG, P.C., upon information and belief:

Paragraphs 1, 4, 5 and 8 relate to all the times hereinafter mentioned.

1. Plaintiff ANTHONY PEREZ, JR., age 44, was and is a professional boxing referee residing at 773 Concourse Village East, Bronx, New York, and is a citizen of the State of New York.

2. Plaintiff has had over 65 amateur fights and has won 60 of them. He was Caribbean Champion in Panama in 1952 and also won the European Welterweight Championship in Germany in 1953 while he was serving in the United States Army. Since 1953 plaintiff has had a career as an amateur referee and has been licensed with the New York State Athletic Commission for at least the last 6 years as a professional referee. As a professional referee, he has refereed over 150 bouts.

3. Plaintiff herein, as an experienced professional boxing referee, has refereed numerous heavyweight championship

fights including fights between Joe Frazier and Jimmy Ellis, Nick Tiger and Nino Benvenuti, Buster Mathis and Jimmy Woody, Muhammad Ali and Jerry Quarry, Muhammad Ali and Joe Frazier and was also considered to referee the championship fight between Muhammad Ali and George Foreman.

4. Plaintiff herein was contracted to referee the Muhammad Ali and Chuck Wepner fight which took place on Monday, March 24, 1975 at the Cleveland Coliseum.

5. Defendant MUHAMMAD ALI a/k/a CASSIUS CLAY is a resident of Chicago, Illinois, and is a citizen of a State other than the State of New York.

6. The sum in controversy herein exceeds the amount of $10,000.00 exclusive of interests and costs.

7. By reason of diversity of citizenship herein and the amount in controversy, this Honorable Court has jurisdiction of the parties and subject matter herein.

8. Defendant MUHAMMAD ALI and his manager objected to the use of any other referee and insisted that the plaintiff herein be the referee for the said Ali-Wepner battle.

9. During the first round of said Ali-Wepner contest, Ali claimed that Wepner was throwing rabbit punches. Ali then began intentionally to throw rabbit punches at Wepner and plaintiff herein directed him to stop. Then defendant MUHAMMAD ALI called plaintiff a "white mother f-----". During the second round defendant MUHAMMAD ALI again called plaintiff a "white mother f-----", while from time to time also calling his

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adversary, Wepner, a "white mother f------" as well.

10. Throughout the bout defendant MUHAMMAD ALI was holding Wepner and hitting him at the same time, and putting his elbow into Wepner's throat and fighting dirty and contrary to rules and regulations.

11. The battle lasted almost a full 15 rounds with Wepner scoring a clean knockdown of defendant MUHAMMAD ALI in the 9th round.

12. After the knockdown it appearing that it was defendant MUHAMMAD ALI's intention to kill Wepner for having knocked MUHAMMAD ALI down, accordingly in the 15th round plaintiff herein stopped the bout, Wepner being in no condition to continue with MUHAMMAD ALI falling flat on the floor from exhaustion upon the ending of the contest.

13. Defendant MUHAMMAD ALI subsequent to the fight stated that after he was knocked down, he did have the intention of killing Wepner.

14. After the fight defendant MUHAMMAD ALI called plaintiff "a dirty dog" and "a Puerto Rican" and said "He's not black and he's not white, he is a Puerto Rican. He is more black than white but he is trying to be white."

15. On or about Saturday, March 29, 1975 during an interview with Howard Cossell in the ABC "Wide World of Sports" program published of and concerning plaintiff the following false and defamatory matter:

> "I had the man knocked out and he was almost ready to fall and he (Perez) stopped it and said the bell rung and made a mistake and the damn bell didn't ring, messing me up from knocking out Joe Frazier. I had Joe Frazier going and the world

said go to your corners pretending he thought the bell had rung. That wasn't it.

He didn't want me to knock out Joe Frazier.

Red light on the poles Bundini said would tell the round was over. He said he didn't see no lights. He was paid probably by some gangsters or somebody or he had some money bet on Frazier."

The "he" referred to in the last two sentences obviously was intended to be the plaintiff and defendant MUHAMMAD ALI did thereby so refer to plaintiff.

16. On Saturday, March 29, 1975 during an interview with Howard Cossell in the ABC "Wide World of Sports" program maliciously published of and concerning plaintiff the following false and defamatory matter:

"I had the man knocked out and he was almost ready to fall and he (Perez) stopped it and said the bell rung and made a mistake and the damn bell didn't ring, messing me up from knocking out Joe Frazier. I had Joe Frazier going and the world saw it and he (Perez) stopped the fight and said go to your corners pretending he thought the bell had rung. That wasn't it.

He didn't want me to knock out Joe Frazier.

Red light on the poles Bundini said would tell the round was over. He said he didn't see no lights. He was paid probably by some gangsters or somebody or he had some money bet on Frazier."

The "he" referred to in the last two sentences obviously was intended to be the plaintiff and defendant MUHAMMAD ALI did thereby so refer to plaintiff.

17. Said statements by the defendant were false, malicious and libelous and made with the intent to injure the plaintiff in his good name and credit in his said profession

and business as a professional referee and to cause it to be believed that by reason thereof he was dishonest and had committed a crime and was untrustworthy to discharge his duties in his profession as a referee.

18. In the Muhammad Ali vs. Frazier super fight, namely, the second battle between the two of them, plaintiff was both referee and one of the three judges, with plaintiff scoring 6 rounds for Muhammad Ali, 5 for Frazier and one even, whereas the other two judges, respectively, Tony Castalano was 7 rounds for Muhammad Ali, 4 for Frazier and one even, and Jack Gordon was 7 rounds for Muhammad Ali, 5 for Frazier, it being obvious thereby from the said scoring that the fight was so close that had plaintiff any desire to vote in favor of Frazier against Muhammad Ali, the circumstances were such that could have easily permitted same.

19. In the Muhammad Ali vs. Wepner fight, after plaintiff stopped the fight in the 15th round the score cards of plaintiff and the other two judges were checked and ANTHONY PEREZ, JR. had Muhammad Ali leading by 135 to 129. The other judges also had Muhammad Ali leading by 136 to 129 and 137 to 129 respectively.

20. By reason of said publication, plaintiff has been injured in his good name and credit as a professional referee and it has and will cast a strong stigma on his standing as a professional referee and has and will work greatly to injure him in procuring work as a professional referee in

the future.

21. Statements made concerning the plaintiff are wholly false and by means of said publication the plaintiff was greatly injured in his credit and reputation and suffered great pain and mental anguish.

22. By reason of said publication plaintiff has been injured in his good name and reputation and in his feelings, mind and body, and has been held up to ridicule and contempt of his friends, acquaintances and has suffered loss of prestige and standing in his community and elsewhere.

23. By reason of the publication by defendant, plaintiff has been brought in to public scorn and disgrace, and there has been falsely created a suspicion that the plaintiff has participated in and has committed vile, scandalous and shameful acts of misconduct.

24. It was an intention of the defendant that said false statements were calculated to prevent plaintiff herein from obtaining future work as a professional referee.

25. Defendant MUHAMMAD ALI stated subsequent to the Ali-Wepner fight that he would see to it that plaintiff was prevented from refereeing additional heavyweight boxing matches and would preach - as he has done - a sermon of hate throughout the world against the plaintiff herein.

26. Plaintiff has been and will be damaged and endangered by such sermons of hate.

COMPLAINT

27. By reason of the publication of said statements as set forth herein, plaintiff ANTHONY PEREZ, JR. has been damaged in the sum of $10 million.

28. By reason of the foregoing, plaintiff is entitled to punitive damages in the sum of $10 million.

WHEREFORE, plaintiff demands judgment against defendant in the sum of $20 million with interest from March 29, 1975 together with the costs and disbursements of this action.

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ANSWER AND COUNTERCLAIMS.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANTHONY PEREZ, JR.,

Plaintiff,

-against-

MUHAMMAD ALI,

Defendant.

75 Civ. 1824 (M.P.)

ANSWER AND COUNTERCLAIMS

JURY TRIAL DEMANDED ON COUNTERCLAIMS

Defendant, Muhammad Ali ("Ali"), by his attorneys, Freeman, Meade, Wasserman, Sharfman & Schneider, for his answer to the Complaint:

1. States that he is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraphs 1 and 2 of the Complaint, except states that plaintiff has refereed professional boxing matches.

2. States that he is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 3 of the Complaint, except states that plaintiff was the referee in the fight between Ali and Jerry Quarry on October 26, 1970, and in the fight between Ali and Joe Frazier on January 28, 1974, and denies that either of those fights or the fights between Dick Tiger and Nino Benvenuti and Buster Mathis and Jimmy Woody, referred to in Paragraph 3 of the Complaint, were heavyweight championship fights.

ANSWER AND COUNTERCLAIMS

3. States that he is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 4 of the Complaint, except states that plaintiff was the referee in the fight between Ali and Chuck Wepner ("Wepner") (the "Fight") which took place on March 24, 1975 at the Cleveland Coliseum.

4. Denies the averments of Paragraph 5 of the Complaint, except admits that Ali is a citizen of a state other than New York.

5. Denies the averments of Paragraph 6 of the Complaint, and states that plaintiff contends that the amount in controversy exceeds the amount of $10,000, exclusive of interest and costs.

6. Denies the averments of Paragraph 7 of the Complaint, except states that he is without knowledge or information sufficient to form a belief as to the truth of the averment that there is diversity of citizenship between plaintiff and defendant, and further states that plaintiff purports to base the jurisdiction of this Court upon diversity of citizenship and amount in controversy.

7. Denies the averments of Paragraph 8 of the Complaint.

ANSWER AND COUNTERCLAIMS

8. Denies the averments of Paragraphs 9 and 10 of the Complaint, and states that during the first round of the Fight, Wepner punched Ali more than twenty times in the back of the neck, an illegal and dangerous punch outlawed by the rules of boxing and known as a "rabbit punch". Ali twice requested plaintiff to prevent Wepner from throwing such illegal punches, which plaintiff willfully refused to do, although it was his duty as referee to do so. In order to emphasize to plaintiff and the judges that he was intentionally being hit with illegal rabbit punches and to deter Wepner from further illegal conduct, since plaintiff had refused to enforce the rules of boxing, Ali responded to Wepner for a period of approximately three seconds. Plaintiff then warned Ali to stop throwing rabbit punches, but willfully and maliciously failed to warn Wepner to stop throwing such illegal punches. In Rounds 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15, Wepner made continuous use of illegal rabbit punches against Ali, throwing more than one hundred rabbit punches. In Rounds 5, 10, 11, 14 and 15, Ali held his hand behind his neck to protect against Wepner's rabbit punches. Despite the obvious illegality and danger of such rabbit punches, plaintiff made no effort to stop Wepner from using them. In Rounds 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15, Wepner repeatedly punched Ali in his kidneys, an illegal and dangerous punch outlawed by the rules of

boxing and known as a "kidney punch". Throughout the Fight, Wepner threw more than fifty kidney punches against Ali. Despite the obvious illegality and danger of such kidney punches, plaintiff made no effort to stop Wepner from using them. In Round 8, Wepner attempted to knee Ali in his groin, an illegal and dangerous tactic outlawed by the rules of boxing. In Rounds 2, 4 and 7, Wepner punched Ali below the belt, an illegal and dangerous punch outlawed by the rules of boxing. In Round 7, Wepner hit Ali with his elbow, an illegal and dangerous tactic outlawed by the rules of boxing. Despite the obvious illegality and danger of such tactics, plaintiff made no effort even to warn Wepner against using them.

9. Denies the averments of Paragraph 11 of the Complaint, and states that the Fight was stopped in Round 15 and further states that the so-called "clean knockdown", alleged in Paragraph 11 of the Complaint, occurred when Wepner, using an illegal tactic, tripped Ali by standing on Ali's foot, as is clearly shown in the photograph attached hereto as Exhibit A.

10. Denies the averments of Paragraphs 12 and 13 of the Complaint, and states that plaintiff stopped the Fight during Round 15 after Ali knocked Wepner down.

ANSWER AND COUNTERCLAIMS

11. Denies the averments of Paragraphs 14, 15 and 16 of the Complaint and respectfully refers to the transcript of the ABC "Wide World of Sports" program of Saturday, March 29, 1975, for the contents thereof.

12. Denies the averments of Paragraph 17 of the Complaint.

13. Denies the averments of Paragraph 18, except states that plaintiff was the referee and one of the three judges for the fight between Ali and Joe Frazier on January 28, 1974, and states, on information and belief, that plaintiff awarded fewer rounds to Ali in that Fight than either of the other judges, plaintiff scoring six rounds for Ali, five for Frazier, and one even, Judge Tony Castellano scoring seven rounds for Ali, four for Frazier, and one even, and Judge Jack Gordon scoring eight rounds for Ali and four for Frazier.

14. States that he is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 19 of the Complaint, except states that plaintiff stopped the Fight in the fifteenth round.

15. Denies the averments of Paragraphs 20, 21, 22, 23, 24, 25, 26, 27 and 28 of the Complaint.

ANSWER AND COUNTERCLAIMS

AS AND FOR A FIRST COMPLETE AFFIRMATIVE DEFENSE

16. The Complaint fails to state any claim upon which relief can be granted.

AS AND FOR A SECOND COMPLETE AFFIRMATIVE DEFENSE

17. The words complained of are protected free speech under the First and Fourteenth Amendments to the United States Constitution and under Article I, Section 8, of the Constitution of the State of New York.

AS AND FOR A THIRD COMPLETE AFFIRMATIVE DEFENSE

18. The words complained of are privileged in that they were in reply to plaintiff's prior statements.

AS AND FOR A FOURTH COMPLETE AFFIRMATIVE DEFENSE

19. The words complained of are privileged in that they deal with matters of public interest and concern and are true insofar as they consist of statements of fact, and fair insofar as they consist of comment.

ANSWER AND COUNTERCLAIMS

AS AND FOR A FIFTH COMPLETE AFFIRMATIVE DEFENSE

20. The words complained of are privileged in that they were communications, without malice, to persons interested therein by one who was also interested in the subject matter.

AS AND FOR A SIXTH COMPLETE AFFIRMATIVE DEFENSE

21. The words complained of are privileged in that they were communications, without malice, concerning matters of public interest and concerning persons, including plaintiff, who are subjects of, or involved in, matters of public interest.

AS AND FOR A SEVENTH COMPLETE AFFIRMATIVE DEFENSE

22. The words complained of are not defamatory as to plaintiff in that the language used could not, in light of the tenor of its publication, import a defamatory charge to the mind of a reasonable man.

FOR A FIRST COUNTERCLAIM, ALI ALLEGES:

23. Ali is now, and has been, the World Heavyweight Boxing Champion since he regained his title on October 30, 1974.

24. The Fight, which Ali won, took place on March 24, 1975 in Onio.

ANSWER AND COUNTERCLAIMS

25. Plaintiff was the referee of the Fight.

26. At the press conference, immediately following the Fight, plaintiff, who spoke before Ali, stated that Ali had fought dirty, using rabbit punches against Wepner.

27. On March 25, 1975, plaintiff maliciously published of and concerning Ali the following false and defamatory statements:

> "He [Ali] purposely did the rabbit punching. Chuck did not do it purposely. If there is one man who fought dirty last night, I think it was Ali."
>
> "A clean knockdown. Ali tripped on his own feet but he went down from the effect of the punch, in my opinion. He's just embarrassed because a man like Wepner knocked him down."

28. On April 15, 1975, in the Complaint in this action, plaintiff maliciously published of and concerning Ali the following false and defamatory statements:

> (i) "Throughout the bout, defendant MUHAMMAD ALI was holding Wepner and hitting him at the same time, and putting his elbow into Wepner's throat and fighting dirty and contrary to the rules and regulations."
>
> (ii) "The battle lasted almost a full fifteen rounds with Wepner scoring a clean knockdown of defendant MUHAMMAD ALI in the 9th round."
>
> (iii) "After the knockdown, it appearing that it was defendant MUHAMMAD ALI's intention to kill Wepner for having knocked MUHAMMAD ALI down, accordingly, in the 15th round, plaintiff herein stopped the bout, Wepner being in no condition to continue with MUHAMMAD ALI falling flat on the floor from exhaustion upon the ending of the contest."

(iv) "Defendant MUHAMMAD ALI stated subsequent to the Ali-Wepner fight that he would see to it that Plaintiff was prevented from refereeing additional heavyweight boxing matches and would preach - as he has done - a sermon of hate throughout the world against the plaintiff herein."

29. At the time plaintiff made the above-quoted statements, he knew that they were false or he acted with reckless disregard of whether such statements were false.

30. The above-quoted statements by plaintiff were false, malicious and defamatory, and were made with the intent to injure Ali in his good name and reputation in his profession and business as World Heavyweight Boxing Champion, and to cause it to be believed that Ali was unfit and incompetent as World Heavyweight Boxing Champion. By means of said publication, Ali has been injured in his good name and reputation in his profession and business as World Heavyweight Boxing Champion.

FOR A SECOND COUNTERCLAIM, ALI ALLEGES:

31. Repeats and realleges the averments of Paragraphs 23 through 25 hereof with the same force and effect as if they were set forth here in full.

ANSWER AND COUNTERCLAIMS

32. Plaintiff as referee of the Fight had a duty to Ali and Wepner to referee the Fight so that it was fought within the rules and regulations of professional boxing. Among other things, plaintiff was obligated:

(a) to conduct the Fight under the Marquis of Queensbury rules as modified by the Summit County Boxing and Wrestling Commission (Ohio);

(b) to stop any dangerous unsportsmanlike conduct; and

(c) to prevent the fighters from committing deliberate and willful fouls.

33. In breach of this duty, plaintiff intentionally and maliciously permitted Wepner:

(a) to inflict over one hundred twenty illegal and dangerous rabbit punches on Ali in Rounds 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15, causing physical injury to Ali;

(b) to inflict over fifty illegal and dangerous kidney punches on Ali in Rounds 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15, causing physical injury to Ali;

(c) to step on Ali's feet throughout the Fight; and

(d) to engage in other flagrant violations of the rules and regulations relating to and governing the Fight.

34. In Round 9, in breach of his duty, plaintiff intentionally, maliciously and falsely ruled that Wepner had scored a "clean knockdown" when in fact Wepner had not done so but had stepped on Ali's foot and tripped Ali, as is clearly shown in the photograph attached hereto as Exhibit A.

35. As a result of plaintiff's intentional and malicious refusal to perform his duty as referee, Ali was physically injured by Wepner's rabbit punches, kidney punches and other illegal tactics described above.

36. As a result of plaintiff's intentional and malicious refusal to perform his duty as referee and plaintiff's intentional malicious and false ruling that Ali had been knocked down in Round 9, Ali's reputation as the World Heavyweight Boxing Champion has been injured.

ANSWER AND COUNTERCLAIMS

FOR A THIRD COUNTERCLAIM, ALI ALLEGES:

37. Repeats and realleges the averments of Paragraphs 23 through 25 hereof with the same force and effect as if they were set forth here in full.

38. Plaintiff, pursuant to his agreement to referee the Fight, undertook a contractual obligation to use his best efforts to regulate the actions of Ali and Wepner so that the Fight was fought within the rules and regulations of boxing. Among other things, plaintiff was obligated:

(a) to conduct the Fight under the Marquis of Queensbury rules as modified by the Summit County Boxing and Wrestling Commission (Ohio);

(b) to stop any dangerous unsportsmanlike conduct; and

(c) to prevent the fighters from committing deliberate and willful fouls.

39. Ali, as one of the participants in the Fight, was a third-party beneficiary of plaintiff's contract to referee the Fight.

40. In breach of plaintiff's contractual obligation, plaintiff permitted Wepner:

(a) repeatedly to inflict rabbit punches on Ali in Rounds 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15, causing physical injury to Ali;

(b) repeatedly to inflict kidney punches on Ali in Rounds 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15, causing physical injury to Ali;

(c) to step on Ali's feet throughout the Fight; and

(d) to engage in other flagrant violations of the rules and regulations relating to and governing the Fight.

41. In Round 9, in breach of his contractual obligation, plaintiff ruled that Wepner had scored a "clean knockdown" when in fact Wepner had not done so but had stepped on Ali's foot and tripped Ali, as is clearly shown in the photograph attached hereto as Exhibit A.

42. As a result of plaintiff's breach of his contractual obligation to Ali, Ali was physically injured by Wepner's rabbit punches and kidney punches.

ANSWER AND COUNTERCLAIMS

43. As a result of plaintiff's breach of his contractual obligation to Ali, Ali's reputation as the World Heavyweight Boxing Champion has been injured.

WHEREFORE, Ali demands judgment:

(a) dismissing the Complaint;

(b) on his first counterclaim against plaintiff, awarding Ali compensatory damages in the amount of $1,000,000 and punitive damages in the amount of $250,000;

(c) on his second counterclaim against plaintiff, awarding Ali compensatory damages in the amount of $1,000,000 and punitive damages in the amount of $250,000;

(d) on his third counterclaim against plaintiff awarding Ali compensatory damages in the amount of $1,000,000,

and such other and further relief as to the Court seems proper,

including his costs and disbursements in this action.

May 28, 1975

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THIRD PARTY COMPLAINT.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANTHONY PEREZ, JR.,

Plaintiff,

-against-

MUHAMMAD ALI,

Defendant.

75 Civ. 1824 (M.P.)

THIRD-PARTY COMPLAINT

JURY TRIAL DEMANDED

MUHAMMAD ALI,

Third-Party Plaintiff,

-against-

AMERICAN BROADCASTING COMPANIES, INC. and ABC SPORTS, INC.,

Third-Party Defendants.

Defendant and Third-Party Plaintiff, Muhammad Ali ("Ali"), by his attorneys, Freeman, Meade, Wasserman, Sharfman & Schneider, for his Third-Party Complaint, alleges:

COUNT I

1. This Court's jurisdiction is based upon diversity of citizenship and amount in controversy pursuant to 28 U.S.C. §1332.

2. Ali is and, at all times hereinafter mentioned, was a citizen of the State of New Jersey.

THIRD PARTY COMPLAINT

3. Third-party defendant, American Broadcasting Companies, Inc. ("ABC") is a corporation organized and existing under the laws of the State of New York with its principal place of business at 1330 Avenue of the Americas, New York, New York.

4. Third-party defendant, ABC Sports, Inc. ("ABC Sports"), is a corporation organized and existing under the laws of the State of New York, with its principal place of business at 1330 Avenue of the Americas, New York, New York.

5. The amount in controversy exceeds $10,000, exclusive of interest and costs.

6. Ali is now, and has been, the World Heavyweight Boxing Champion since he regained his title on October 30, 1974.

7. Ali successfully defended his title in a fight with Chuck Wepner on March 24, 1975 at the Cleveland Coliseum, Summit County, Ohio (the "Ali-Wepner Fight").

8. At all times hereinafter mentioned, ABC was, and still is, engaged in the business of publishing and broadcasting by television.

THIRD PARTY COMPLAINT

9. On information and belief, at all times hereinafter mentioned, ABC Sports was, and still is, engaged in the production of sports programs for publication and broadcasting by ABC.

10. On information and belief, the "Wide World of Sports" program is produced by ABC Sports and is published and broadcast by ABC.

11. On Friday, March 28, 1975, ABC and ABC Sports, by their agents and employees conducted an interview of Ali (the "Interview"). The Interview was recorded ~~on videotape~~ for use in the Wide World of Sports program of Saturday, March 29, 1975 in conjunction with a videotape of the Ali-Wepner Fight.

12. ABC and ABC Sports, prior to the publication and broadcast of the Interview, had exclusive control of and access to the videotape of the Interview and had exclusive control over which portions of the Interview would be published and broadcast.

13. On Saturday, March 29, 1975, the videotape of the Interview was published and broadcast by ABC and ABC Sports to a nationwide television audience as part of the Wide World of Sports program.

14. On April 15, 1975, Anthony Perez, Jr. ("Perez"), the plaintiff herein, commenced an action against Ali in the United States District Court for the Southern District of New York. The complaint (the "Complaint") in the action alleges that Ali's

statements published and broadcast as part of the Wide World of Sports program of March 29, 1975 were malicious, false and defamatory, and that he, Perez, was injured and damaged thereby. A copy of the Complaint is annexed hereto as Exhibit A.

15. On May 30, 1975, Ali served an Amended Answer to the Complaint. A copy of Ali's Amended Answer is attached hereto as Exhibit B. On July 3, 1975, Perez's reply to Ali's counterclaims was received. A copy of Perez's reply is attached hereto as Exhibit C.

16. If Perez is found to be entitled to recover for any loss or damage as a result of the matters alleged in the Complaint, the third-party defendants herein, and each of them, are and should be the parties primarily, affirmatively and actively liable for such loss and damage, while the liability of Ali, if any, is passive, secondary and derivative.

17. If Perez is awarded any judgment against Ali, Ali is entitled to a judgment over and against third-party defendants, ABC and ABC Sports, for the full amount of such judgment, or in an amount equal to the excess over and above Ali's fair share of such judgment. Such fair share is to be determined in accordance with the relative responsibility of Ali and third-party defendants.

THIRD PARTY COMPLAINT

COUNT II

18. Repeats and realleges the averments of Paragraphs 1 through 15 hereof with the same force and effect as if they were set forth here in full.

19. Third-party defendants caused Ali to rely upon them, and Ali did rely upon them, to edit and otherwise prepare the videotape of the Interview so as to delete prior to publication and broadcast any statements by Ali that could expose him to liability.

20. If Ali is held liable to plaintiff by reason of the publication and broadcast of the Interview of the Wide World of Sports program of Saturday, March 29, 1975, third-party defendants are liable to Ali to indemnify him therefor as well as for his attorneys' fees and for all other costs and expenses incurred by him in the defense of this action.

WHEREFORE, defendant and third-party plaintiff, Ali, demands judgment as follows:

(a) on his first claim against third-party defendants, ABC and ABC Sports, for the full amount of any judgment rendered herein in favor of Perez

THIRD PARTY COMPLAINT

against Ali, or in an amount equal to the excess over and above Ali's fair share of any such judgment, together with costs and disbursements, plus the expenses incurred in defending the principal action, including attorneys' fees;

(b) on his second claim against the third-party defendants, ABC and ABC Sports, for the full amount of any judgment rendered herein in favor of Perez and against Ali, together with costs and disbursements, plus the expenses incurred in defending the principal action, including attorneys fees,

and such other and further relief as to the Court seems just and proper.

July 8, 1975

FREEMAN, MEADE, WASSERMAN,
SHARFMAN & SCHNEIDER

By _____
A Member of the Firm

Attorneys for
Third-Party Plaintiff
551 Fifth Avenue
New York, New York 10017

CLARENCE B. JONES,

Of Counsel.

EXHIBIT A, ANNEXED TO THIRD-PARTY COMPLAINT--COMPLAINT.

(Reproduced, *supra*, at page 1a-7a.)

EXHIBIT B, ANNEXED TO THIRD PARTY COMPLAINT--AMENDED ANSWER AND COUNTERCLAIMS.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANTHONY PEREZ, JR.,

Plaintiff,

-against-

MUHAMMAD ALI,

Defendant.

75 Civ. 1824 (M.P.)

AMENDED ANSWER AND COUNTERCLAIMS

JURY TRIAL DEMANDED ON COUNTERCLAIMS

Defendant, Muhammad Ali ("Ali"), by his attorneys, Freeman, Meade, Wasserman, Sharfman & Schneider, for his answer to the Complaint:

1. States that he is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraphs 1 and 2 of the Complaint, except states that plaintiff has refereed professional boxing matches.

2. States that he is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 3 of the Complaint, except states that plaintiff was the referee in the fight between Ali ard Jerry Quarry on October 26, 1970, and in the fight between Ali and Joe Frazier on January 28, 1974, and denies that either of those fights or the fights

EXHIBIT B, ANNEXED TO THIRD PARTY COMPLAINT

between Dick Tiger and Nino Benvenuti and Buster Mathis and Jimmy Woody, referred to in Paragraph 3 of the Complaint, were heavyweight championship fights.

3. States that he is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 4 of the Complaint, except states that plaintiff was the referee in the fight between Ali and Chuck Wepner ("Wepner") (the "Fight") which took place on March 24, 1975 at the Cleveland Coliseum.

4. Denies the averments of Paragraph 5 of the Complaint, except admits that Ali is a citizen of a state other than New York.

5. Denies the averments of Paragraph 6 of the Complaint, and states that plaintiff contends that the amount in controversy exceeds the amount of $10,000, exclusive of interest and costs.

6. Denies the averments of Paragraph 7 of the Complaint, except states that he is without knowledge or information sufficient to form a belief as to the truth of the averment that there is diversity of citizenship between plaintiff and defendant, and further states that plaintiff purports to base the jurisdiction of this Court upon diversity of citizenship and amount in controversy.

7. Denies the averments of Paragraph 8 of the Complaint.

EXHIBIT B, ANNEXED TO THIRD PARTY COMPLAINT

8. Denies the averments of Paragraphs 9 and 10 of the Complaint, and states that during the first round of the Fight, Wepner punched Ali more than twenty times in the back of the neck, an illegal and dangerous punch outlawed by the rules of boxing and known as a "rabbit punch". Ali twice requested plaintiff to prevent Wepner from throwing such illegal punches, which plaintiff willfully refused to do, although it was his duty as referee to do so. In order to emphasize to plaintiff and the judges that he was intentionally being hit with illegal rabbit punches and to deter Wepner from further illegal conduct, since plaintiff had refused to enforce the rules of boxing, Ali responded to Wepner for a period of approximately three seconds. Plaintiff then warned Ali to stop throwing rabbit punches, but willfully and maliciously failed to warn Wepner to stop throwing such illegal punches. In Rounds 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15, Wepner made continuous use of illegal rabbit punches against Ali, throwing more than one hundred rabbit punches. In Rounds 5, 10, 11, 14 and 15, Ali held his hand behind his neck to protect against Wepner's rabbit punches. Despite the obvious illegality and danger of such rabbit punches, plaintiff made no effort to stop Wepner from using them. In Rounds 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15, Wepner repeatedly punched Ali in his kidneys, an illegal and dangerous punch outlawed by the rules of

EXHIBIT B, ANNEXED TO THIRD PARTY COMPLAINT

boxing and known as a "kidney punch". Throughout the Fight, Wepner threw more than fifty kidney punches against Ali. Despite the obvious illegality and danger of such kidney punches, plaintiff made no effort to stop Wepner from using them. In Round 8, Wepner attempted to knee Ali in his groin, an illegal and dangerous tactic outlawed by the rules of boxing. In Rounds 2, 4 and 7, Wepner punched Ali below the belt, an illegal and dangerous punch outlawed by the rules of boxing. In Round 7, Wepner hit Ali with his elbow, an illegal and dangerous tactic outlawed by the rules of boxing. Despite the obvious illegality and danger of such tactics, plaintiff made no effort even to warn Wepner against using them.

9. Denies the averments of Paragraph 11 of the Complaint, and states that the Fight was stopped in Round 15 and further states that the so-called "clean knockdown", alleged in Paragraph 11 of the Complaint, occurred when Wepner, using an illegal tactic, tripped Ali by standing on Ali's foot, as is clearly shown in the photograph attached hereto as Exhibit A.

10. Denies the averments of Paragraphs 12 and 13 of the Complaint, and states that plaintiff stopped the Fight during Round 15 after Ali knocked Wepner down.

EXHIBIT B, ANNEXED TO THIRD PARTY COMPLAINT

11. Denies the averments of Paragraphs 14, 15 and 16 of the Complaint and respectfully refers to the transcript of the ABC "Wide World of Sports" program of Saturday, March 29, 1975, for the contents thereof.

12. Denies the averments of Paragraph 17 of the Complaint.

13. Denies the averments of Paragraph 18, except states that plaintiff was the referee and one of the three judges for the fight between Ali and Joe Frazier on January 28, 1974, and states, on information and belief, that plaintiff awarded fewer rounds to Ali in that Fight than either of the other judges, plaintiff scoring six rounds for Ali, five for Frazier, and one even, Judge Tony Castellano scoring seven rounds for Ali, four for Frazier, and one even, and Judge Jack Gordon scoring eight rounds for Ali and four for Frazier.

14. States that he is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 19 of the Complaint, except states that plaintiff stopped the Fight in the fifteenth round.

15. Denies the averments of Paragraphs 20, 21, 22, 23, 24, 25, 26, 27 and 28 of the Complaint.

EXHIBIT B, ANNEXED TO THIRD PARTY COMPLAINT

AS AND FOR A FIRST COMPLETE AFFIRMATIVE DEFENSE

16. The Complaint fails to state any claim upon which relief can be granted.

AS AND FOR A SECOND COMPLETE AFFIRMATIVE DEFENSE

17. The words complained of are protected free speech under the First and Fourteenth Amendments to the United States Constitution and under Article I, Section 8, of the Constitution of the State of New York.

AS AND FOR A THIRD COMPLETE AFFIRMATIVE DEFENSE

18. The words complained of are privileged in that they were in reply to plaintiff's prior statements, conduct and actions.

AS AND FOR A FOURTH COMPLETE AFFIRMATIVE DEFENSE

19. The words complained of are privileged in that they deal with matters of public interest and concern and are true - insofar as they consist of statements of fact, and fair insofar as they consist of comment.

EXHIBIT B, ANNEXED TO THIRD PARTY COMPLAINT

AS AND FOR A FIFTH COMPLETE AFFIRMATIVE DEFENSE

20. The words complained of are privileged in that they were communications, without malice, to persons interested therein by one who was also interested in the subject matter.

AS AND FOR A SIXTH COMPLETE AFFIRMATIVE DEFENSE

21. The words complained of are privileged in that they were communications, without malice, concerning matters of public interest and concerning persons, including plaintiff, who are subjects of, or involved in, matters of public interest.

AS AND FOR A SEVENTH COMPLETE AFFIRMATIVE DEFENSE

22. The words complained of are not defamatory as to plaintiff in that the language used could not, in light of the tenor of its publication, import a defamatory charge to the mind of a reasonable man.

AS AND FOR A FIRST COUNTERCLAIM, ALI ALLEGES:

23. Ali is now, and has been, the World Heavyweight Boxing Champion since he regained his title on October 30, 1974.

24. The Fight, which Ali won, took place on March 24, 1975 in Ohio.

EXHIBIT B, ANNEXED TO THIRD PARTY COMPLAINT

25. Plaintiff was the referee of the Fight.

26. At the press conference, immediately following the Fight, plaintiff, who spoke before Ali, stated that Ali had fought dirty, using rabbit punches against Wepner.

27. On March 25, 1975, plaintiff maliciously published of and concerning Ali the following false and defamatory statements:

> "He [Ali] purposely did the rabbit punching. Chuck did not do it purposely. If there is one man who fought dirty last night, I think it was Ali."
>
> "A clean knockdown. Ali tripped on his own feet but he went down from the effect of the punch, in my opinion. He's just embarrassed because a man like Wepner knocked him down."

28. On April 15, 1975, in the Complaint in this action, plaintiff maliciously published of and concerning Ali the following false and defamatory statements:

> (i) "Throughout the bout, defendant MUHAMMAD ALI was holding Wepner and hitting him at the same time, and putting his elbow into Wepner's throat and fighting dirty and contrary to the rules and regulations."
>
> (ii) "The battle lasted almost a full fifteen rounds with Wepner scoring a clean knockdown of defendant MUHAMMAD ALI in the 9th round."
>
> (iii) "After the knockdown, it appearing that it was defendant MUHAMMAD ALI's intention to kill Wepner for having knocked MUHAMMAD ALI down, accordingly, in the 15th round, plaintiff herein stopped the bout, Wepner being in condition to continue with MUHAMMAD ALI falling [illegible] on the floor from exhaustion upon the ending of the contest."

EXHIBIT B, ANNEXED TO THIRD PARTY COMPLAINT

(xxx) "Defendant MUHAMMAD ALI stated subsequent to the Ali-Norton fight that he would see to it that Plaintiff was prevented from refereeing additional heavyweight boxing matches and would preach - as he has done - a sermon of hate throughout the world against the plaintiff herein."

29. At the time plaintiff made the above-quoted statements, he knew that they were false or he acted with reckless disregard of whether such statements were false.

30. The above-quoted statements by plaintiff were false, malicious and defamatory, and were made with the intent to injure Ali in his good name and reputation in his profession and business as World Heavyweight Boxing Champion, and to cause it to be believed that Ali was unfit and incompetent as World Heavyweight Boxing Champion. By means of said publication, Ali has been injured in his good name and reputation in his profession and business as World Heavyweight Boxing Champion.

FOR A SECOND COUNTERCLAIM, ALI ALLEGES:

31. Repeats and realleges the averments of Paragraphs 23 through 25 hereof with the same force and effect as if they were set forth here in full.

EXHIBIT B, ANNEXED TO THIRD PARTY COMPLAINT

32. Plaintiff as referee of the Fight had a duty to Ali and Wepner to referee the Fight so that it was fought within the rules and regulations of professional boxing. Among other things, plaintiff was obligated:

(a) to conduct the Fight under the Marquis of Queensbury rules as modified by the Summit County Boxing and Wrestling Commission (Ohio);

(b) to stop any dangerous unsportsmanlike conduct; and

(c) to prevent the fighters from committing deliberate and willful fouls.

33. In breach of this duty, plaintiff intentionally and maliciously permitted Wepner:

(a) to inflict over one hundred twenty illegal and dangerous rabbit punches on Ali in Rounds 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15, causing physical injury to Ali;

(b) to inflict over fifty illegal and dangerous kidney punches on Ali in Rounds 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15, causing physical injury to Ali;

EXHIBIT B, ANNEXED TO THIRD PARTY COMPLAINT

(c) to step on Ali's feet throughout the Fight; and

(d) to engage in other flagrant violations of the rules and regulations relating to and governing the Fight.

34. In Round 9, in breach of his duty, plaintiff intentionally, maliciously and falsely ruled that Wepner had scored a "clean knockdown" when in fact Wepner had not done so but had stepped on Ali's foot and tripped Ali, as is clearly shown in the photograph attached hereto as Exhibit A.

35. As a result of plaintiff's intentional and malicious refusal to perform his duty as referee, Ali was physically injured by Wepner's rabbit punches, kidney punches and other illegal tactics described above.

36. As a result of plaintiff's intentional and malicious refusal to perform his duty as referee and plaintiff's intentional malicious and false ruling that Ali had been knocked down in Round 9, Ali's reputation as the World Heavyweight Boxing Champion has been injured.

EXHIBIT B, ANNEXED TO THIRD PARTY COMPLAINT

FOR A THIRD COUNTERCLAIM, ALI ALLEGES:

37. Repeats and realleges the averments of Paragraphs 23 through 25 hereof with the same force and effect as if they were set forth here in full.

38. Plaintiff, pursuant to his agreement to referee the Fight, undertook a contractual obligation to use his best efforts to regulate the actions of Ali and Wepner so that the Fight was fought within the rules and regulations of boxing. Among other things, plaintiff was obligated:

(a) to conduct the Fight under the Marquis of Queensbury rules as modified by the Summit County Boxing and Wrestling Commission (Ohio);

(b) to stop any dangerous unsportsmanlike conduct; and

(c) to prevent the fighters from committing deliberate and willful fouls.

39. Ali, as one of the participants in the Fight, was a third-party beneficiary of plaintiff's contract to referee the Fight.

EXHIBIT B, ANNEXED TO THIRD PARTY COMPLAINT

40. In breach of plaintiff's contractual obligation, plaintiff permitted Wepner:

(a) repeatedly to inflict rabbit punches on Ali in Rounds 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15, causing physical injury to Ali;

(b) repeatedly to inflict kidney punches on Ali in Rounds 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15, causing physical injury to Ali;

(c) to step on Ali's foot throughout the Fight; and

(d) to engage in other flagrant violations of the rules and regulations relating to and governing the Fight.

41. In Round 9, in breach of his contractual obligation, plaintiff ruled that Wepner had scored a "clean knockdown" when in fact Wepner had not done so but had stepped on Ali's foot and tripped Ali, as is clearly shown in the photograph attached hereto as Exhibit A.

42. As a result of plaintiff's breach of his contractual obligation to Ali, Ali was physically injured by Wepner's rabbit punches and kidney punches.

EXHIBIT B, ANNEXED TO THIRD PARTY COMPLAINT

43. As a result of plaintiff's breach of his contractual obligation to Ali, Ali's reputation as the World Heavyweight Boxing Champion has been injured.

WHEREFORE, Ali demands judgment:

(a) dismissing the Complaint;

(b) on his first counterclaim against plaintiff, awarding Ali compensatory damages in the amount of $1,000,000 and punitive damages in the amount of $250,000;

(c) on his second counterclaim against plaintiff, awarding Ali compensatory damages in the amount of $1,000,000 and punitive damages in the amount of $250,000;

(d) on his third counterclaim against plaintiff awarding Ali compensatory damages in the amount of

EXHIBIT B, ANNEXED TO THIRD PARTY COMPLAINT

$1,000,000,

and such other and further relief as to the Court seems proper, including his costs and disbursements in this action.

May 30, 1975

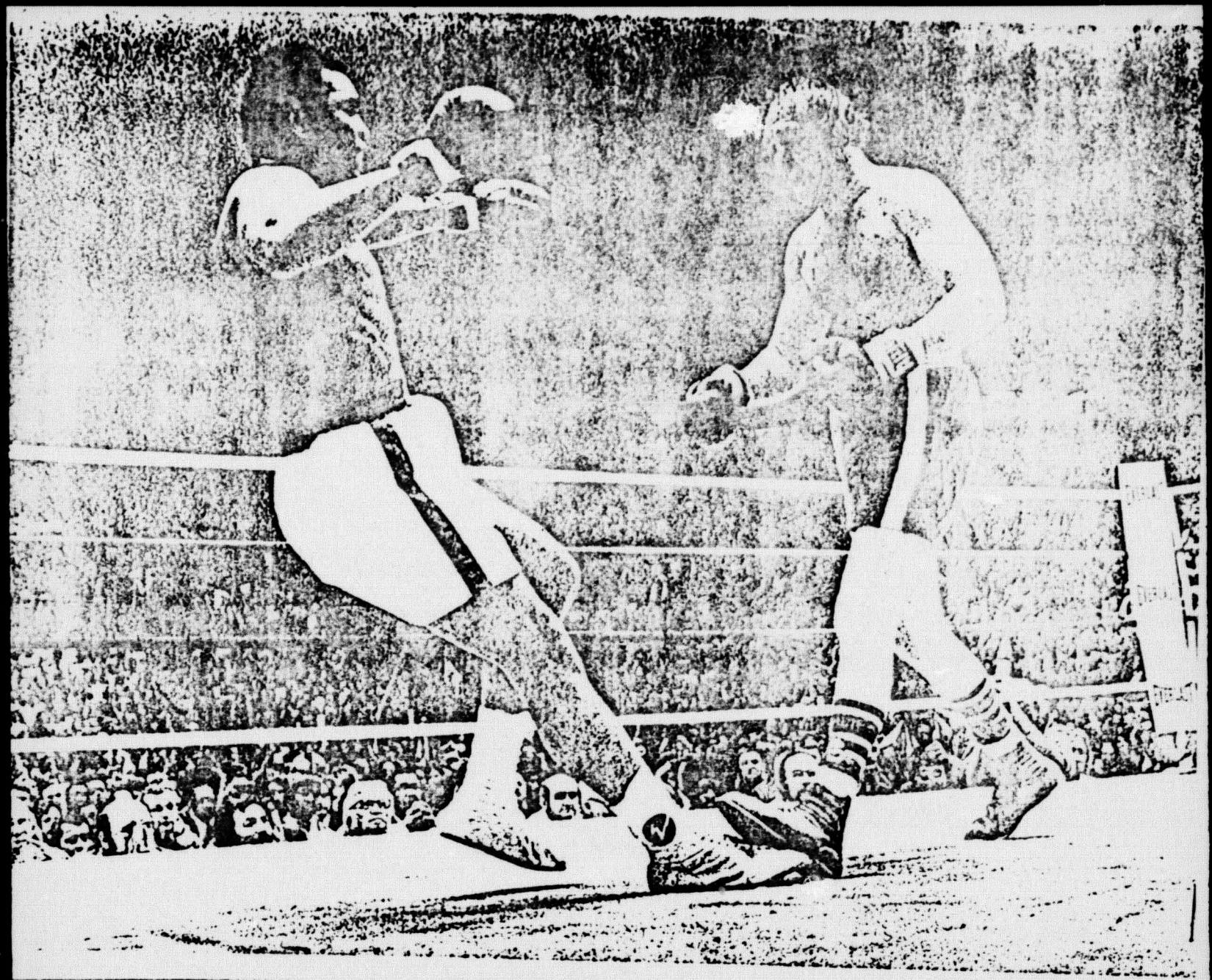
FREEMAN, MEADE, WASSERMAN,
SHARFMAN & SCHNEIDER

By _____
A Member of the Firm

Attorneys for Defendant
551 Fifth Avenue
New York, New York 10017
(212) 697-6464

CLARENCE B. JONES,

Of Counsel



45a Exhibit A Annexed to Amended Answer

EXHIBIT C, ANNEXED TO THIRD PARTY COMPLAINT--REPLY.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----------x

ANTHONY PEREZ, JR.,

Plaintiff,

-against-

REPLY

MUHAMMAD ALI,

Defendant.

----------x

Plaintiff, by HARRY H. LIPSIG, P.C.; for his reply to defendant's counterclaims:

1. Denies paragraph "27" except plaintiff admits making the following statement:

> "He [Ali] purposely did the rabbit punching. Chuck did not do it purposely. If there is one man who fought dirty last night, I think it was Ali."
>
> "A clean knockdown. Ali tripped on his own feet but he went down from the effect of the punch, in my opinion. He's just embarrassed because a man like Wepner knocked him down."

2. Denies paragraph "28" except admits that his complaint contained the following language"

> (a) "Throughout the bout, defendant MUHAMMAD ALI [illegible] Wepner [illegible] hitting him at the same time, and putting his elbow into Wepner's throat and fighting dirty and contrary to the rules and regulations."

EXHIBIT C, ANNEXED TO THIRD PARTY COMPLAINT

(ii) "The battle lasted almost a full fifteen rounds with Wepner scoring a clean knockdown of defendant MUHAMMAD ALI in the 9th round."

(iii) "After the knockdown, it appearing that it was defendant MUHAMMAD ALI's intention to kill Wepner for having knocked MUHAMMAD ALI down, accordingly, in the 15th round, plaintiff herein stopped the bout, Wepner being in no condition to continue with MUHAMMAD ALI falling flat on the floor from exhaustion upon the ending of the contest."

(iv) "Defendant MUHAMMAD ALI stated subsequent to the Ali-Wepner fight that he would see to it that Plaintiff was prevented from refereeing additional heavyweight boxing matches and would preach - as he has done - a sermon of hate throughout the world against the plaintiff herein."

3. Denies paragraphs "29" and "30"

4. Denies paragraph "33".

5. Denies paragraph "34" except admits that he ruled that Wepner had scored a "clean knockdown".

6. Denies paragraphs "35" and "36".

7. Denies paragraphs "39," "40," "42," "43," except admits that Plaintiff ruled that Wepner had scored "a clean knockdown" in Round 9.

FIRST AFFIRMATIVE DEFENSE

8. The Counterclaims fail to state a claim upon which relief can be granted.

EXHIBIT C, ANNEXED TO THIRD PARTY COMPLAINT

SECOND AFFIRMATIVE DEFENSE

9. The words complained of are protected by the First and Fourteenth Amendments to the United States Constitution and under Article I, Section 8 of the constitution of the State of New York.

THIRD AFFIRMATIVE DEFENSE

10. The words complained of are privileged in that they were in reply to defendant's prior statements, conduct and actions.

FOURTH AFFIRMATIVE DEFENSE

11. The words complained of are privileged in that they deal with matters of public interest and concern and are true insofar as they consist of statements of fact, and fair insofar as they consist of comment.

FIFTH AFFIRMATIVE DEFENSE

12. The words complained of are privileged in that they were communications, without malice, to persons interested therein by one who was also interested in the subject matter.

SIXTH AFFIRMATIVE DEFENSE

13. The words complained of are privileged in that they were communications, without malice, concerning matters of public interest and concerning persons, including the defendant, who are subjects of, or involved in, matters of public interest.

EXHIBIT C, ANNEXED TO THIRD PARTY COMPLAINT

SEVENTH AFFIRMATIVE DEFENSE

14. The words complained of are not defamatory as to defendant in that the language used could not, in light of the tenor of its publication, import a defamatory charge to the mind of a reasonable man.

EIGHTH AFFIRMATIVE DEFENSE

15. The words complained of in paragraph "28" are privileged insofar as they constitute a part of the pleadings in a judicial proceeding and are relevant to the subject matter in controversy.

WHEREFORE, plaintiff demands judgment dismissing the counterclaim with costs.

Dated: July 2, 1975
New York, New York

HARRY H. LIPSIG, P.C.
Attorney for Plaintiff

By_____

100 Church Street
New York, New York 10007
212-732-9000

ANSWER TO THIRD PARTY COMPLAINT.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANTHONY PEREZ, JR.,

Plaintiff,

-against-

MUHAMMAD ALI,

Defendant.

75 Civ. 1824
(M.P.)

MUHAMMAD ALI,

Third-Party Plaintiff,

-against-

AMERICAN BROADCASTING COMPANIES, INC. and ABC SPORTS, INC.,

Third-Party Defendants.

THIRD-PARTY ANSWER

The third-party defendants American Broadcasting Companies, Inc. and ABC Sports, Inc. for their answer to the Third-Party Complaint, respectfully allege:

1. State that they are without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 1 of the Third-Party Complaint, except state that plaintiff purports to base the jurisdiction of this Court upon diversity of citizenship and amount in controversy.

ANSWER TO THIRD PARTY COMPLAINT

2. State that they are without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 2 of the Third-Party Complaint.

3. Admit the averments of paragraphs 3 and 4 of the Third-Party Complaint.

4. Deny the averments of paragraph 5 of the Third-Party Complaint except state that the plaintiff has alleged that the amount in controversy exceeds $10,000, exclusive of interest and costs.

5. Admit the averments of paragraphs 6, 7, 8, 9, 10 and 11 of the Third-Party Complaint.

6. Admit the averments of paragraph 12 of the Third-Party Complaint, except state that Muhammad Ali was not prohibited from and in fact had a duty to inform third-party defendants if he believed that any portions of the Interview should not be published or broadcast.

7. Admit the averments set forth in paragraphs 13 and 14 of the Third-Party Complaint.

8. State that they are without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 15 of the Third-Party Complaint, except state that Exhibit B and Exhibit C are attached to the Third-Party Complaint.

ANSWER TO THIRD PARTY COMPLAINT

9. Dery the averments set forth in paragraphs 16, 17, 19 and 20 of the Third-Party Complaint.

AS AND FOR A FIRST COMPLETE AFFIRMATIVE DEFENSE

10. The Third-Party Complaint fails to state claims upon which relief can be granted.

AS AND FOR A SECOND COMPLETE AFFIRMATIVE DEFENSE

11. The interview of Muhammad Ali broadcast as part of the ABC's Wide World of Sports program of March 29, 1975 is protected free speech under the First and Fourteenth Amendments of the United States Constitution and under Article 1, Section 8 of the Constitution of the State of New York.

AS AND FOR A THIRD COMPLETE AFFIRMATIVE DEFENSE

12. The interview of Muhammad Ali broadcast as part of the ABC's Wide World of Sports program of March 29, 1975 is privileged as fair comment.

AS AND FOR A FOURTH COMPLETE AFFIRMATIVE DEFENSE

13. On information and belief, the words complained of in the Complaint are privileged in that they were in reply to plaintiff's prior statements, conduct and actions.

ANSWER TO THIRD PARTY COMPLAINT

AS AND FOR A FIFTH COMPLETE AFFIRMATIVE DEFENSE

14. On information and belief, the words complained of in the Complaint are privileged in that they were communications, without malice, to persons interested therein by one who was also interested in the subject matter.

AS AND FOR A SIXTH COMPLETE AFFIRMATIVE DEFENSE

15. The words complained of in the Complaint are privileged in that they were communications, without malice, concerning matters of public interest and concerning persons, including plaintiff, who are subjects of, or involved in, matters of public interest.

AS AND FOR A SEVENTH COMPLETE AFFIRMATIVE DEFENSE

16. The words complained of in the Complaint are not defamatory as to plaintiff in that the language used could not, in light of the tenor of its publication, import a defamatory charge to the mind of a reasonable man.

ANSWER TO THIRD PARTY COMPLAINT

FOR A FIRST COUNTERCLAIM,
THIRD-PARTY DEFENDANT
AMERICAN BROADCASTING COMPANIES, INC.
ALLEGES:

17. On April 6, 1975 plaintiff Anthony Perez, Jr., commenced an action (Index No. 06463/75) against the third-party defendant American Broadcasting Companies, Inc. ("ABC") in the Supreme Court of New York, County of New York, by service of a Summons and Verified Complaint. An Amended Complaint was served on April 25, 1975. The Summons and Amended Complaint are attached hereto as Exhibit "A".

18. The Amended Complaint referred to in paragraph 17 hereof alleges that by virtue of certain statements made by Muhammad Ali during the ABC's Wide World of Sports program broadcast on March 29, 1975 ("the Ali Interview"), plaintiff is entitled to judgment in the amount of $20 million from third-party defendant American Broadcasting Companies, Inc.

19. Third-party defendant ABC's Verified Answer in the New York Supreme Court action is attached hereto as Exhibit "B".

20. ABC did not broadcast the Ali Interview with knowledge that any of the statements therein were false or with reckless disregard for whether they were true or not. If Ali knew that any of his statements during the Ali Interview were false, inaccurate, made with knowledge that they were

false or with reckless disregard for their truth, or that they otherwise might subject either ABC or him to liability of any sort, he was under a duty to so inform ABC prior to broadcast of the interview, but he did not do so.

21. ABC relied upon Ali to fulfill the duty described in paragraph 20 hereof, relied upon the reputation of Ali for veracity and upon its prior experience and implied understanding with Ali that any statements made by him on programs broadcast by ABC were made truthfully and in good faith and relied upon the implied understanding that Ali would indemnify ABC for any liability arising out of the Ali Interview.

22. If plaintiff recovers a judgment against ABC in the New York Supreme Court action, ABC is entitled to full indemnity from Ali, including attorneys' fees and all other costs and expenses incurred by ABC in defending the New York Supreme Court action.

FOR A SECOND COUNTERCLAIM,
AMERICAN BROADCASTING COMPANIES, INC.
ALLEGES:

23. ABC repeats and realleges the averments of paragraph 17 through 21 hereof with the same force and effect as if they were set forth here in full.

ANSWER TO THIRD PARTY COMPLAINT

24. If plaintiff recovers a judgment against ABC in the New York Supreme Court action, ABC is entitled to contribution from Ali for the full amount of such judgment or for the fair share of such judgment determined in accordance with the relative responsibility of ABC and Ali, including attorneys' fees and all other costs and expenses incurred by ABC in defending the New York Supreme Court action.

WHEREFORE, third-party defendants demand judgment as follows:

(A) Dismissing the Third-Party Complaint;

(B) Granting to American Broadcasting Companies, Inc. full indemnity from the third-party plaintiff for any liability which American Broadcasting Companies, Inc. may incur to plaintiff in the New York County Supreme Court action (Index No. 06463/75) including attorneys' fees and all other costs and expenses incurred by American Broadcasting Companies, Inc. in defending said action;

(C) Granting to American Broadcasting Companies, Inc. contribution from the third-party plaintiff for the full amount of any judgment which plaintiff may recover from American Broadcasting Companies, Inc. in the New York County Supreme Court action (Index No. 06463/75) or for the fair share of such judgment determined in accordance with the

relative responsibility of American Broadcasting Companies, Inc. and the third-party plaintiff, including attorneys' fees and all other costs and expenses incurred by American Broadcasting Companies, Inc. in defending said action; and

(D) Such other and further relief as to the Court seems just and proper.

Dated: September 9, 1975
New York, New York

COUDERT BROTHERS

By s/ C Q Eldridge Jr
A Member of the Firm
Attorneys for Third-Party Defendants
Office and Post Office Address
200 Park Avenue
New York, New York 10017
(212) 973-3300

EXHIBIT A, ATTACHED TO ANSWER TO THIRD PARTY COMPLAINT--
SUPPLEMENTAL SUMMONS AND AMENDED COMPLAINT IN
SUPREME COURT ACTION.

C 104— Summons without Notice, Blank Court. 9-73
Personal Service.

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80 EXCHANGE PL. AT BROADWAY, N. Y. C. 10004

SUPREME COURT: NEW YORK COUNTY

ANTHONY PEREZ, JR.,

Plaintiff

against

AMERICAN BROADCASTING COMPANY and ABC W IDE WORLD OF SPORTS

Defendant

Index No.

Plaintiff designates

NEW YORK
County as the place of trial

The basis of the venue is

Defendants Place of Business
SUPPLEMENTAL
Summons

Plaintiff resides at

773 Concourse Village East
Bronx, New York
County of Bronx

To the above named Defendant

You are hereby summoned *to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within* 20 *days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.*

Dated, April 23, 1975
Defendant's address:

AMERICAN BROADCASTING COMPANY, 1330 Ave. of Americas, NYC
ABC
WIDE WORLD OF SPORTS , 1330 Ave. of Americas NYC

HARRY H. LIPSIG, P.C.
Attorney(s) for Plaintiff
Office and Post Office Address

100 Church Street
New York, New York 10007

EXHIBIT A, ATTACHED TO ANSWER TO THIRD PARTY COMPLAINT

SUPREME COURT: NEW YORK COUNTY

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ANTHONY PEREZ, JR.,

Plaintiff,

-against-

AMERICAN BROADCASTING COMPANY and ABC WIDE WORLD OF SPORTS,

Defendants.

AMENDED VERIFIED COMPLAINT

JURY TRIAL DEMANDED

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Plaintiff, by HARRY H. LIPSIG, P.C., upon information and belief:

Paragraphs 1,4,5,6 and 8 relate to all the times hereinafter mentioned.

1. Plaintiff, ANTHONY PEREZ, JR., age 44, was and is a professional boxing referee residing at 773 Concourse Village East, Bronx, New York.

2. Plaintiff has had over 60 amateur fights and has won 60 of them. He was Caribbean Champion in Panama in 1952 and also won the European Welterweight Championship in Germany in 1953 while he was serving in the United States Army. Since 1963 Plaintiff has had a career as an amateur referee and has been licensed with the New York State Athletic Commission for at least the last six years as a professional referee. As a professional referee, he has refereed over 150 bouts.

3. Plaintiff herein, as an experienced professional boxing referee, has refereed numerous heavyweight championship

EXHIBIT A, ATTACHED TO ANSWER TO THIRD PARTY COMPLAINT

fights including fights between Joe Frazier and Jimmy Ellis, Nick Tiger and Nino Benvenuti, Buster Mathis and Jimmy Woody, Muhammid Ali and Jerry Quarry, Muhammad Ali and Joe Frazier and was also considered to referee the championship fight between Muhammad Ali and George Foreman.

4. Plaintiff herein was contracted to referee the Muhammad Ali and Chuck Wepner fight which took place on Monday, March 24, 1975 at the Cleveland Coliseum.

5. Defendant, ABC, was and still is a domestic corporation duly organized and existing under and by virtue of the laws of the State of New York with an office for the conduct of business at 1330 Avenue of the Americas, New York, New York.

6. MUHAMMAD ALI and his manager objected to the use of any other referee and insisted that the plaintiff herein be the referee for the said Ali-Wepner battle.

7. During the first round of said Ali-Wepner contest, Ali claimed that Wepner was throwing rabbit punches. Ali then began intentionally to throw rabbit punches at Wepner and plaintiff herein directed him to stop. Then MUHAMMAD ALI called plaintiff a "white mother f------". During the second round MUHAMMAD ALI again called plaintiff a "white mother f------", while from time to time also calling his adversary, Wepner, a "white mother f------" as well.

8. Throughout the bout MUHAMMAD ALI was holding Wepner and hitting him at the same time, and putting his elbow into Wepner's throat and fighting dirty and contrary to rules and

EXHIBIT A, ATTACHED TO ANSWER TO THIRD PARTY COMPLAINT

regulations.

9. The battle lasted a full 15 rounds with Wepner scoring a clean knockdown of MUHAMMAD ALI in the 9th round.

10. After the knockdown it appearing that it was MUHAMMAD ALI'S intention to kill Wepner for having knocked MUHAMMAD ALI down, accordingly in the 15th round plaintiff herein stopped the bout, Wepner being in no condition to continue with MUHAMMAD ALI falling flat on the floor from exhaustion upon the ending of the contest.

11. MUHAMMAD ALI subsequent to the fight stated that after he was knocked down, he did have the intention of killing Wepner.

12. After the fight MUHAMMAD ALI called plaintiff "a dirty dog" and 'a Puerto Rico' and said "He's not black and he's not white, he is a Puerto Rican. He is more black than white but he is trying to be white."

13. On or about Saturday, March 29, 1975 during an interview with Howard Cosell on the defendant's ABC "Wide World of Sports" program published of and concerning plaintiff the following false and defamatory matter:

> "I had the man knocked out and he was almost ready to fall and he (Perez) stopped it and said the bell rung and made a mistake and the damn bell didn't ring, messing me up from knocking out Joe Frazier. I had Joe Frazier going and the world saw it and he (Perez) stopped the fight and said go to your corners pretending he thought the bell had rung. That wasn't it.

EXHIBIT A, ATTACHED TO ANSWER TO THIRD PARTY COMPLAINT

> He didn't want me to knock out Joe Frazier.
>
> Red light on the poles Bundini said would tell the round was over. He said he didn't see no lights. He was paid probably by some gangsters or somebody or he had some money bet on Frazier."

The "he" referred to in the last two sentences obviously was intended to be the plaintiff and MUHAMMAD ALI did thereby so refer to plaintiff.

14. On Saturday, March 29, 1975 during an interview with Howard Cossell on the defendant's ABC "Wide World of Sports" program maliciously published of and concerning plaintiff the following false and defamatory matter:

> "I had the man knocked out and he was almost ready to fall and he (Perez) stopped it and said the bell rung and made a mistake and the damn bell didn't ring, messing me up from knocking out Joe Frazier. I had Joe Frazier going and the world saw it and he (Perez) stopped the fight and said go to your corners pretending he thought the bell had rung. That wasn't it.
>
> He didn't want me to knock out Joe Frazier.
>
> Red light on the poles Bundini said would tell the round was over. He said he didn't see no lights. He was paid probably by some gangsters or somebody or he had some money bet on Frazier."

The "he" referred to in the last two sentences obviously was intended to be the plaintiff and MUHAMMAD ALI did thereby so refer to plaintiff.

15. Said statements were false, malicious and libelous and made with the intent to injure the plaintiff in his

EXHIBIT A, ATTACHED TO ANSWER TO THIRD PARTY COMPLAINT

good name and credit in his said profession and business as a professional referee and to cause it to be believed that by reason thereof he was dishonest and had committed a crime and was untrustworthy to discharge his duties in his profession as a referee.

16. In the Muhammad Ali vs. Frazier super fight, namely, the second battle between the two of them, plaintiff was both referee and one of the three judges, with plaintiff scoring six rounds for Muhammad Ali, five for Frazier and one even, whereas the other two judges, respectively, Tony Castalano was seven rounds for Muhammad Ali, four for Frazier and one even, and Jack Gordon was seven rounds for Muhammad Ali, five for Frazier, it being obvious thereby from the only scoring that the fight was so close that any plaintiff would desire to vote in favor of Frazier against Muhammad Ali, the circumstances were such that could more easily [illegible]

17. In the [illegible] Foreman fight, after plaintiff [illegible] round the score cards of plaintiff and the [illegible] judges were checked and ANTHONY PERRY, JR. had Muhammad Ali leading by 135 to 129. The other judges also had Muhammad Ali leading by 136 to 129 and 137 to 129 respectively.

18. By reason of the publication, plaintiff has been injured in his good name and credit as a professional referee and it has and will cast a strong stigma on his standing as a professional referee and has and will work greatly

to injure him in procuring work as a professional referee in the future.

19. Statements made concerning the plaintiff are wholly false and by means of said publication the plaintiff was greatly injured in his credit and reputation and suffered great pain and mental anguish.

20. By reason of the publication plaintiff has been injured in his good name and reputation and in his feelings, mind and body, and has been held up to ridicule and contempt of his friends, acquaintances and has suffered loss of prestige and standing in his community and elsewhere.

21. By reason of the publication by defendant, plaintiff has been brought in to public scorn and disgrace, and there has been falsely created a suspicion that the plaintiff has participated in and has committed vile, scandalous and shameful acts of misconduct.

22. MUHAMMAD ALI stated subsequent to the Ali-Wepner fight that he would see to it that plaintiff was prevented from refereeing additional heavyweight boxing matches and would preach - as he has done - a sermon of hate throughout the world against the plaintiff herein.

23. Plaintiff has been and will be damaged and endangered by such sermons of hate.

24. Subsequent to March 29, 1975, the plaintiff requested of defendants the opportunity to appear on said network to answer and respond to the false and defamatory remarks made

about him.

25. Defendants refused without cause or justification to permit the plaintiff the opportunity to make such an appearance.

26. By reason of the foregoing, plaintiff ANTHONY PEREZ, JR. has been damaged in the sum of $10 million.

27. By reason of the foregoing, plaintiff ANTHONY PEREZ, JR. is entitled to punitive damages in the sum of $10 million.

WHEREFORE, plaintiff demands judgment against defendants in the sum of $20 million with interest from March 29, 1975 together with the costs and disbursements of this action.

HARRY H. LIPSIG, P.C.
Attorney for Plaintiff
Office and P. O. Address
100 Church Street
New York, New York 10007
(212) [illegible]2-9000

(Verified April 23, 1975.)

EXHIBIT B, ATTACHED TO ANSWER TO THIRD PARTY COMPLAINT--
ABC's VERIFIED ANSWER IN SUPREME COURT ACTION.

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF NEW YORK

- -x

ANTHONY PEREZ, JR.,

Plaintiff,

-against-

VERIFIED ANSWER

AMERICAN BROADCASTING COMPANY and ABC WIDE WORLD OF SPORTS,

Defendants.

- -x

Defendant American Broadcasting Companies, Inc., (incorrectly sued herein as "American Broadcasting Company and ABC Wide World of Sports") by its attorneys Coudert Brothers, answering the Amended Verified Complaint, alleges as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation set forth in paragraphs 1 and 2 of the Amended Verified Complaint, except admits that plaintiff was a professional boxing referee at the time of the March 24, 1975 Ali-Wepner fight and at the time of the January 28, 1974 Ali-Frazier fight and for an unknown period of time prior thereto.

2. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation set forth in paragraph 3 of the Amended Verified Complaint except admits that plaintiff refereed professional heavyweight fights

EXHIBIT B, ATTACHED TO ANSWER TO THIRD PARTY COMPLAINT

between Joe Frazier and Jimmy Ellis, Muhammad Ali and Jerry Quarry, and Muhammad Ali and Joe Frazier (1/28/74).

3. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation set forth in paragraph 4 of the Amended Verified Complaint, except admits that plaintiff refereed the fight between Muhammad Ali and Chuck Wepner which took place on Monday, March 24, 1975 at the Cleveland Coliseum.

4. Denies the allegations set forth in paragraph 5 of the Amended Verified Complaint except admits that American Broadcasting Companies, Inc. ("ABC"), incorrectly sued as "American Broadcasting Company and ABC Wide World of Sports", is a New York corporation with its principal place of business located at 1330 Avenue of the Americas, New York, New York.

5. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation set forth in paragraph 6 of the Amended Verified Complaint.

6. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation set forth in paragraph 7 of the Amended Verified Complaint, except admits, on information and belief, that during the first round Ali complained to plaintiff about Wepner's illegal "rabbit punches" and responded with simulated "rabbit punches" of his own apparently to dramatize the illegality for all of the officials and to

deter the repetition thereof.

7. Denies, on information and belief, each and every allegation set forth in paragraphs 8 and 9 of the Amended Verified Complaint.

8. Denies, on information and belief, each and every allegation set forth in paragraph 10 of the Amended Verified Complaint except admits that plaintiff stopped the fight with about 20 seconds remaining in the 15th round and denies knowledge or information sufficient to form a belief as to Ali's intention.

9. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation set forth in paragraphs 11 and 12 of the Amended Verified Complaint, except respectfully refers to the remarks of Muhammad Ali as set forth in the transcript attached hereto as Exhibit "A", i.e., a transcript of an interview of Muhammad Ali with ABC Sportscaster Howard Cosell broadcast by ABC on March 29, 1975.

10. Denies each and every allegation set forth in paragraphs 13 and 14 of the Amended Verified Complaint, except admits that ABC broadcast on its "ABC's Wide World of Sports" program at 5:00-6:30 p.m. (EDT) on Saturday, March 29, 1975, an interview of Muhammad Ali with ABC Sportscaster Howard Cosell, during which Ali and Cosell spoke the words set forth in the transcript of this interview attached hereto as Exhibit "A".

11. Denies each and every allegation set forth in paragraph 15 of the Amended Verified Complaint.

EXHIBIT B, ATTACHED TO ANSWER TO THIRD PARTY COMPLAINT

12. Admits the allegation set forth in paragraph 16 of the Amended Verified Complaint that plaintiff was the referee and one of the judges of the Ali-Frazier fight of January 28, 1974 and admits, on information and belief, that plaintiff scored six rounds for Muhammad Ali, five for Frazier and one even and that Judge Tony Castellano scored seven rounds for Ali and four for Frazier and one even. Denies, on information and belief, that Judge Jack Gordon scored seven rounds for Ali and five for Frazier and states on information and belief, that he scored eight rounds for Ali and four for Frazier. Denies knowledge or information sufficient to form a belief as to whether the circumstances of the fight would have permitted plaintiff to vote in favor of Frazier against Ali.

13. Admits the allegations set forth in paragraph 17 of the Amended Verified Complaint, except denies, on information and belief, that the two judges scored the fight as alleged by plaintiff and states, on information and belief, that Judge Sam Taormina scored the fight 138 (Ali)-129 (Wepner) and Judge Jackie Keough scored the fight 136 (Ali)-129 (Wepner).

14. Denies each and every allegation set forth in paragraphs 18, 19, 20 and 21 of the Amended Verified Complaint.

15. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation set

forth in paragraphs 22 and 23 of the Amended Verified Complaint.

16. Denies each and every allegation set forth in paragraphs 24, 25, 26 and 27 of the Amended Verified Complaint.

AS AND FOR A FIRST
AFFIRMATIVE DEFENSE

17. The words set forth in paragraphs 13 and 14 of the Amended Verified Complaint are protected free speech under the First and Fourteenth Amendments of the United States Constitution and under Article 1 §8 of the Constitution of the State of New York.

AS AND FOR A SECOND
AFFIRMATIVE DEFENSE

18. The words set forth in paragraphs 13 and 14 of the Amended Verified Complaint are privileged as a reply to statements previously made by plaintiff about Ali and as a reply to earlier conduct and actions by plaintiff involving Ali.

AS AND FOR A THIRD
AFFIRMATIVE DEFENSE

19. The words set forth in paragraphs 13 and 14 of the Amended Verified Complaint are privileged as fair comment.

WHEREFORE, defendant ABC demands judgment dismissing the Amended Verified Complaint together with costs and disburse-

EXHIBIT B, ATTACHED TO ANSWER TO THIRD PARTY COMPLAINT

ments and such other and furthe relief as may be proper.

COUDERT BROTHERS
Attorneys for Defendant
American Broadcasting Companies, Inc.
200 Park Avenue
New York, New York 10017
(212) 973-3300

(Verified May 29, 1975.)

EXHIBIT A, ATTACHED TO ANSWER--TRANSCRIPT OF INTERVIEW OF MUHAMMED ALI WITH HOWARD COSELL.

COSELL/ALI INTERVIEW

ABC's Wide World of Sports Program: March 29, 1975

/Ali vs. Wepner Fight/

/Cosell/Wepner Interview/

/Commercial/

Cosell: And now as you can see, sitting with me in the studio, the heavyweight champion himself, Muhammad Ali. Let's get to the nub of the matter, quickly, champ. Do you think really that if you had pushed yourself you could have knocked Chuck Wepner out in the first two or three rounds?

Ali: Probably gould could have, but it wasn't for sure. He's never been really knocked out. That was the first time I understand he was knocked down in his whole career of a hundred and something fights. But I could have tried and probably I would have gambled because if I didn't knock him out, I would have tired myself out. When you're going 15 rounds, its best to pace yourself like I did.

Cosell: Second question. I got a feeling during the fight that you were posturing, that you were toying with him. Indeed, in some respects, almost tormenting him, and I likened it, as you heard, to, perhaps, one of your fights against Patterson and your fight against Terrell.

Ali: Well, call it what you may, that was my style that night...was to stick him and move, lay on the ropes,...uh, wear him down and then, after I seen my opportunity, like I did in the fifteenth round, go get him. But that all had to be done to make the fifteenth round possible.

Cosell: Alright, what we're going to do, in just a moment, Champ, is take a look at some of the highlights of the fight and have you talk about them. The so-called rabbit-punch sequences of the first round...

Ali (over Cosell's last few words): So-called! They were dirty rabbit-punches...

Cosell: Alright, we'll get to that in detail...and

Ali (over Cosell's last few words): The referee allowed them. The dirt was allowed so I got dirty with him... takes dirt to fight dirt.

EXHIBIT A, ATTACHED TO ANSWER

Cosell: O.K. Just a little more of the pugnacious nature of the champion, who's not happy about what happened last Monday.

Ali (over Cosell's last few words): Pugnacious? What you mean, pugnacious? What do that big word mean? You went to law school...

Cosell: Truculent!

Ali: Truculent?

Cosell: Over-agressive, militant.

Ali: Over-agressive, militant! He was the one. I was defending myself.

Cosell: Champ, what we're going to do first is take a look at the rabbit-punch sequences of the first round. You talk over them...and express yourself as volumably as usual if you will. Here we go.

Ali: Well, there was promoted before this fight that this man was going to throw dirty shots...hitting behind the head. There he go...right behind the head. That's totally illegal, and the referee's just as dirty as him. He didn't say nothing about it. Look at him. All them punches are illegal. I hit him back a' side his head....and the referee will come in and he'll say something to us now...because I'm doing it, too. See. I'm telling him now 'watch that sucker...he's doing it...he's doing it.'.

Cosell: Well, actually...

Ali: He let him do it over and over and over. He just kept letting him do it, and I don't want that referee in my corner again because he was dirty.

Cosell: That's your side of it, Tony...

Ali: My side of it! I saw it's dirt, and the people watching television see the dirt. What you mean it's my side of it?

Cosell: Tony Perez...

Ali: I saw the dirt.

Cosell: Tony Perez says you outdid Chuck Wepner /unintelligible/.

Ali: Outdid him how?

Cosell: In rabbit-punching.

EXHIBIT A, ATTACHED TO ANSWER

Ali: He outdid me. He started the rabbit-punching, and I did it since the referee wouldn't take the law into his hands, which is his job,...since he wouldn't do it, then I did it. Then he said both of us did it. And then, after I quit,...now if you watch that whole fight, all through the fight, after the beginning, I quit rabbit-punching and I had to start holding my hand behind my head, and that dirty referee continued. He's dirty...

Cosell: Well,...

Ali: ...and all the Puerto Ricans should be ashamed of him because he is Puerto Rican.

Cosell: Well, I don't think that's necessary to say...

Ali: I think it's necessary.

Cosell: ...I think it's intemporate...

Ali: It's necessary...I have too many good Puerto Rican fans...

Cosell: (over last Ali phrase): Furthermore, let's...let's face this fact...

Ali (cutting off Cosell): ...I have too many good Puerto Ricans fans for...for somebody to allow somebody like that to get me on television and fighting a white man...doing everything to take my title...that's what it was...a conspiracy, and it was all to let anything happen to take my title, and I'll blow my own damn horn because I'm free. He was dirty...the referee was a dirty dog and he was dirty and the world see it and you getting on television using ABC to promote the dirt and to say that I'm the one.

Cosell: Are you all done?

Voice from unidentified person in studio: Watch it Howard.

Cosell: Now that you're done, just open up that fist and listen to me for a minute.

Ali: I'm serious.

Cosell: Tony Perez refereed your second fight against Joe Frazier...

EXHIBIT A, ATTACHED TO ANSWER

Ali (cutting Cosell off): And he did another dirty thing. The bell rung...he started to say the bell rung.

Cosell (over last phrase of Ali): ...and Frazier and Eddie Futch, Frazier's manager, said that Perez favored you...that you...

Ali: How could he favor me...

Cosell (continuing, cutting off Ali): ...were holding throughout the /unintelligble--could be "night"/.

Ali: How could he favor me, when they talking...what they favor Frazier. I had the man knocked out and he was almost ready to fall and he stopped it and said the bell rung and made a mistake and the damn bell didn't ring, messing me up from knocking out Joe Frazier. I had Joe Frazier going and the world saw it, and he stopped the fight and said go to your corners pretending he thought the bell rung. That wasn't it....he didn't want me to knock out Frazier.

Unidentified voice in studio: Got lights on the pole.

Cosell: You all done?

Ali: They got lights on the pole, Bodini just said,...got lights on the pole to show /unintelligble--could be "him"/ the round wasn't over. He didn't see no lights.

Unidentified voice in studio: That's right.

Ali: He was paid probably by some gangsters or somebody...uh...to...uh...he had some money bet on Joe Frazier.

Cosell: Well, that's just absurd...but we could go on...

EXHIBIT A, ATTACHED TO ANSWER

Ali (over Cosell's last phrase): ...ain't absurd. You want to attack me...

Cosell: I'm not attacking you, I'm

Ali (cutting off Cosell, and continuing): ...and let this dirt get by. You going to let this dirt get by on me...

Cosell: I'm trying...

Ali (continuing): ...then I'm going to defend myself.

Cosell (over Ali's last remarks): ...I'm trying to state the case of a man who's not here to face you and answer you head to head.

Ali: Well, he should be here...

Cosell: Now, you've had your say...

Ali (over Cosell's prior remarks): ...because the...the camera speaks...you keep on showing it /unintelligble could be "and"/ I'm going to have my say and the camera's going to have a say, because he don't need no say. We see the dirt.

Cosell: Alright, let's go on...

Ali: Let's keep /unintelligble--could be "on"/.

Cosell: ...with the next highlight of the fight, the so-called knock out of the ninth round...and I want you to observe...

Ali (over last Cosell phrase): He stepped on my foot. He didn't knock me down.

EXHIBIT A, ATTACHED TO ANSWER

Cosell: We will get to that issue in just a moment. But let's take a look a the alleged knock-down and you talk over. This is ninth round...

Ali: Well, he was so dirty...he kept stepping on my toes all through the fight. It's an old trick an old professional's got. You step on a man's toe and push. There he go. [unintelligble] push me down.

Cosell: But what about that right?

Ali: Aw, that right. How's a right on my side of my heart going to knock me down.

Cosell: Well, here it is in slow motion.

Ali: [Unintelligble] We got films. You got a paper you can show. The camera going to show. He stepped on my toe. He's right on my toe.

Cosell: Alright, now you've made a fair point. The camera doesn't show.

Ali: There you go.

Cosell: This photograph is from the Cleveland...

Ali: That's dirty.

Cosell: Plain Dealer.

Ali: All that dirt was allowed that night by all the officials. So I did my right.

Cosell: In other words, that was Wepner's foot on yours.

Ali: He did that all through the fight.

Cosell (over last of Ali's words): And how did that cause you to go down?

Ali: When you're leaning backwards, it's an old trick....Archie Moore will tell you...old great fighters, Jack Dempsey will tell you, Sugar Ray Robinson will tell you...when you step on a man's foot and you got him going backwards and you hold him, he'll fall. It's a natural thing when you're leaning back and you can't get your grip and you get you off...just like you see me right now. I'm off balance...his foot's on...on my foot and...and while I'm leaning back, he just hold it and you automatically fall because you can't pull yourself out. All that dirt was allowed...all of that dirt, and I couldn't do it. I...he fought me dirty, and I hit him back, and he got on me for getting him back. If I hadn't of hit him back, wouldn't nobody say nothing about the dirt. George Chuvalo's another dirty fighter...allowed to hit me in my private fifteen times a round, and nobody said a damn thing. I'm going to blow my own horn. There'll be no more dirty fighting, because if you hit me low, I'm going to hit you back low. If you hit me behind the head, I'm going to knock you back behind your head. If you s--...and he kicked at me, another thing, too, he did dirty. The man actually took his knee and tried to knee me.

EXHIBIT A, ATTACHED TO ANSWER

Cosell: You fini...

Ali (cutting off Cosell): I know your film didn't show that, did it. Your film was at the wrong angle...

Cosell: /Laughing/

Ali: Yeah, uh huh...

Cosell: /Laughing/. You finished with your tirade? I want...

Ali (over Cosell): Tirade?

Cosell: ...to say one thing. Tony Perez says that you're embarrassed by your bad showing...and that you're taking it out on him.

Ali (over last Cosell phrase): Yeah, I'm embarrassed...Yeah I'm embarrassed. I'll tell you what. You tell Tony Pere-...to meet me...I'm tired of him. I done made you famous, I don't want to make him famous either, don't nobody know this little old referee. But all through the fight film, this man hit me illegal on up until the last knockout. This man kept hitting me behind my head, and why is it that you, on nationwide TV, why is that Tony Perez, why is it that all the boxing officials, allow this dirt on Muhammad Ali?

Cosell: Well, I had absolutely nothing to do with it.

Ali (over last part of Cosell's prior remarks): If you whup me, take my title clean. I whupped Sonny Liston...I got it clean. I defeated it some fourteen, fifteen times clean. You took my...they took my title for four years...I came back and won it back and whupped George Foreman clean, and if you whup my behind, whup my behind fair. We don't need no dirt.

Cosell: O.K. Muhammad. An embattled Muhammad Ali...we'll be back with the highlights of the knock-out sequences in just a moment.

EXHIBIT A, ATTACHED TO ANSWER

Ali (over last part of Cosell's prior remarks): What you mean, an embattled Muhammad Ali. All of this dirt. I ain't got to take this stuff. All of this...all of this...all of this dirt.

/COMMERCIAL/

Cosell: We're back with a hopefully subdued Muhammad Ali...and this will be the last round, Champ,...you in the fifteenth, knocking out Chuck Wepner. As the tape comes up, I'd like you to do the voice over.

Ali: Well, right now, Howard, as you see here, my trainer has told me, you must win the last round. This thing could be close...they could try to give it to him, so my main thing now is to do all I can to make it really impressive that I won this round...and really he's tired, he's holding on, he's still hitting behind the head, if you watch him. Uh...he's...uh... still fighting dirty. Even up to the last round, the referee's still not saying nothing. So my main thing is to find an opening, tag him and, really convincingly, win this round, and...uh...watch him close, you'll see him hit me behind the head there. There he go...those're rabbit-punches ...and, the main thing...I saw he was tired and...uh...they say the star's the one who close the show, so I'm trying to be the one to close the show, and I realize this man is tired, because I'm really tired. But I said I know I'm much better than this man. I'll have to get him this round and make it convincing to those who might think its close, and even to knock him out...this is /unintelligble---could be "an"/ idea and somewheres along there I did catch him. There you go, I just caught him. Now, my main object...I see he's dizzy and falling around the ring. My main object now is to stay on him and not let him cool off...keep him...keep him numb, keep him shook up and, uh...realizing that another fight with Foreman, Frazier,...everything laid on this and...now I knew that I had won the fight with no doubt.

Cosell: Well, that was it. Referee Perez came in.

Ali: I figured the referee might let it go, but...I was glad he had counted it out, because the man really wasn't in no condition to keep going.

Cosell: What's that you're brandishing?

Ali: Well, uh...this is something I'm carrying around. I'll tell you what it is, but first I want to say hello to my truck driving friends. I meet them on the highway the other time at the Golden Spike...Triple Nickel and Giddyup Go. Uh,...what I'm doing with this, is, you know, you... you...quite a few times you've raised your hands...you've always wanted to...to, uh, try me. I mean I know you wonder if you could. Now, you just take this, because this is what you're going to need to be equal one day. I don't want it said that I did you wrong, so you carry that with you for a while and, whenever you try me again, that's what you're going to need.

EXHIBIT A, ATTACHED TO ANSWER

Cosell: Well, as I said, you're an embattled man today,...and I don't understand the relevancy of your plugging truck driver friends on national television. But, very quickly, what about your projected bout against Joe Bugner in June?

Ali: I'm working on that fight. We hope to have it in Soldier's Field in Chicago if everything is right, and, uh...uh...we're working on it. S-...

Cosell: O.K. And after that, as you've previously said, Frazier and Foreman or Foreman and Frazier.

Ali (over last words of Cosell): I want Foreman first, and then probably Frazier and then we'll /unintelligble

Cosell (over last words of Ali): But then, too, deserving of a shot, sooner or later, is Kenny Norton, and I'm delighted, if you can behave yourself, that you'll be back with me tomorrow to analyze the Norton-Quarry fight...

Ali: I'll be here.

Cosell: ...which also took place last week.

Ali (over Cosell's las two words): I'll be here.

Cosell: You will be?

Ali: I'll be here.

Cosell: Yes. Muhammad Ali, who doesn't really need that hammer, but whose face remains totally unmarked after fifteen years of fighting, as you can see. Quite unlike the face that you're about to see...the man he beat up. There's the marked-up face of Chuck Wepner in vivid contrast to that of Muhammad Ali. Before we take our leave, I should like to make this point. We videotaped our talk with Chuck Wepner prior to Muhammad Ali's arrival at our studio and prior, too, to our acquisition of that photograph by the Cleveland Plain Dealer man which shows Wepner's foot on Ali's just before Ali went down. So we called Chuck...offered him the opportunity to come back to seek to rebutt that which Ali stated. Chuck declined... said he didn't want to engage in verbal warfare with Ali, but made his point, to wit: that Ali was already on the way down and his foot's presence on Ali's had nothing to do with the knock-down. So be it. That's our story today. I'm Howard Cosell. Thank you for being with us.

/Credits followed/

/Normal Wide World of Sports closing then followed/.

TRANSCRIPT.

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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

ANTHONY PEREZ, JR.,

Plaintiff,

-against-

MUHAMMED ALI, a/k/a CASSIUS CLAY,

Defendant and Third-Party Plaintiff,

-against-

AMERICAN BROADCASTING COMPANIES, INC. and ABC SPORTS, INC.

Third-party Defendants.

Before:

HON. MILTON POLLACK,
District Judge.

New York, New York
October 12, 1976 - 2:10 p.m.

APPEARANCES:

HARRY H. LIPSIG, P.C.
Attorney for the Plaintiff,
By: ROBERT G. SULLIVAN, Esq.,
of Counsel.

FREEMAN, MEADE, WASSERMAN, SHARFMAN & SCHNEIDER, ESQS.,
Attorneys for Defendant and Third-Party Plaintiff,

APPEARANCES (Continued):

BY: RICHARD SHARFMAN, ESQ.,
JAMES SHANMAN, ESQ.,
BOBBE BROWN, ESQ.,
of Counsel.

COUDERT BROTHERS,
Attorneys for Third-Party Defendants,
BY: CARLETON G. ELDRIDGE, ESQ.,
DAVID B. WOLF, ESQ.,
of Counsel.

(Discussion of the record.)

THE COURT: As to any witnesses who are in court by subpoena, the subpoenaes are continued until 2:00 o'clock, and those who are here by subpoena should return.

(Discussion off the record.)

THE COURT: Will all of you remain in the courtroom until the clerk as a chance to excuse the jury for lunch. Thank you. We will follow this procedure throughout the trial in order for them to get to the elevators and exit the building first.

(Luncheon recess taken at 12:30 p.m.)

AFTERNOON SESSION

2:10 p.m.

(A jury of six and one alternate was duly empaneled and sworn..)

MR. SULLIVAN: May it please the Court, follow counsel, ladies and gentlemen of the jury.

He is a Puerto Rican and all Puerto Ricans are dirty. He is a racist, and I am out to get him. He was paid by gangsters to see to it that I lose.

Ladies and gentlemen -- Tony, please stand up. That is Tony Perez, my client. Tony Perez is a referee. I will state at the outset that nothing I say is evidence. I am only going to tell you what I intend to prove. We intend to talk about and prove the difficult job a referee has, and the fact that a referee knows that he is going to be criticized, maybe praised, maybe criticized. There is no way he can please everybody. You are going to hear a lot of criticism about two fights, but where we draw the line is that we are going to prove that what was said about Tony Perez was not criticism, ladies and gentlemen, it was libel. It was said with malice, with reckless disregard for the truth. It was stated with malice. It was published with malice. Then we will talk about the damages to my client, Tony Perez and what damages we feel he is entitled to recover and will ask you to award him.

The story starts perhaps way in the beginning, and you will hear that Tony Perez and Muhammed Ali meet for the first time in a fight that you will not hear much about, Muhammed Ali-Jerry Quarry, and you will hear and

we will show that the fight goes three rounds and that Quarry is doing well, but that is stopped at the end of the third round by Tony Perez and that Muhammed Ali is declared the winner.

Then we come to fight two. Joe Frazier and Muhammed Ali, Madison Square Garden. There is no question, you will see, that the second round of that fight was stopped early by Tony Perez. You will see that, perhaps 20 seconds before the round should have ended. You will hear what Muhammed Ali has to say about that, about the fact that Tony Perez was paid by gangsters, that Tony Perez had a bet on Joe Frazier, and many other comments, and that is why it was done, and we will prove to you that it was a mistake.

We will show you why the mistake was made, and we will prove further that Muhammed Ali didn't believe the things he was saying. He knew they weren't true and yet he said them anyway.

We will also show during that fight which went 12 rounds no knockouts, and at the end the two judges and the referee vote and by unanimous decision Muhammed Ali wins, and one of the three people who voted for Muhammed Ali to win that fight, the referee, Tony Perez.

You will hear what both sides have to say about the referee in that fight. Let's talk about the two fights together, Frazier-Ali, Wepner-Ali. First, let's talk about Ali's opponents. We will show you that in the Frazier fight Frazier's manager compalined about Mr. Perez as referee and said that what he was doing was helping Muhammed Ali.

In the Wepner fight, you will hear that Mr. Wepner complained about some of the actions of Tony Perez.

Then you will hear Muhammed Ali's side of those two fights, and you will hear more than complaints, ladies and gentlemen. That is where the fai criticism stops.

The complaints by Frazier, the complaints by Wepner, fair comment, fair criticism. We accept them. We know that it is going to happen. He is a referee. He is not a pirest. But from Muhammed Ali, all kinds of libelous and malicious statements about what Tony Perez did in those two fights.

Now, what we intend to prove is that both sides didn't like Mr. Perez' job. That is boxing. You have two different sides. They complain about different things, but in the Frazier fight you will see, and we will prove, that Frazier and his seconds commit almost no fouling, if any; if any, very little, but we will prove that

in this very fight, that Muhammed Ali says Tony Perez had been paid by gangsters to see that he lost and had bet on Frazier, that Ali did most of the fouling in that fight.

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We will prove that Tony Perez could have stopped that fight an declared Frazer the winner, but after the fight, the Frazer fight, you won't hear too much comment about Tony Perez being paid by gangsters and Tony Perez having bet on the fight until the night of the Muhammed Ali-Chuck Wepner fight in Cleveland Ohio. That fight almost went the distance, ladies and gentlemen, 15 rounds. It was stopped in the 15th by Tony Perez.

Once again, Tony Perez stopped the fight and said, Muhammed Ali is the winner and clearly, Muhammed Ali was winning the fight. There was no question about that. There was no question about that. There was no question he should have been the winner. We don't argue that in any of these fights. We don't even make the claim that Muhammed Ali shouldn't have won those fights. He should have won all three, no question about it.

When that fight was over, Muhammed Ali held a press conference, taped a news program, said all kinds of libelous statements, statements -- some of them, just a sample of what I told you at the outset. Tony Perez was at that press conference, and he made statements about Muhammed Ali, and about that fight.

Ladies and gentlemen, we sued them for the statements that Ali made, and they sued us for the statements

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that we made, and we will prove to you the difference in those statements. We will prove to you that the statements Tony Perez made are fair comments about a fight, not vicious malice statements such as the Puerto Rican, and all Puerto Ricans are dirty, I am out to get the referee, things of that kind.

Tony Perez never said anything about that. He said it was a dirty fight. Both fighters fought dirty. You will see the rabbit punches of Chuck Wepner. They are there, there is no question about it. You will see the fouls by Muhammed Ali also. You will watch both fights. You will hear testimony from an awful lot of people. Then, at the end of the case, we are going to ask you to award us damages.

Tony Perez had to come back from Cleveland after those statement and go back and live in the Bronx. He still lives there. He has to live there forever. There are schools there where he sons go to hear that their father is a gangster, bet on Frazier, a Puerto Rican, all Puerto Ricans are dirty. His name, ladies and gentlemen, has been libeled by a man who is the Heavyweight Champion of the World, and whether it is right or wrong, the Heavyweight Champion of the World is respected and looked up to by an awful lot of people, especially young people.

It's not as if I said it. It's not as if some-

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one else said it. It was stated by Muhammad Ali to how many millions of people, perhaps 30 million? -- on live T.V., no, taped T.V. shown a day later with Howard Cosell.

The most important thing I say in this opening statement is this: You will hear arguments during the case. You will hear both sides argue.

I forgot one thing. There is a counterclaim in this case not just for libel and slander, but Muhammed Ali has sued my client. After we sued him, he sued us back. This is what he says in his counterclaim, ladies and gentlemen, and it's as truthful as the things he said about my client.

He says in his counterclaim that as a result of Tony Perez' refereeing in that fight Muhammad Ali has been permanently injured and damaged. This is a man who, six weeks later, defended his heavyweight championship against Ron Lyle in Las Vegas, who has defended his championship seven times against some of the greatest fighters in the world, but he will tell you how seriously damaged he is from this fight.

You listen to our claims and make me prove to you every single thing I say. If I can't prove it, toss my out of the courtroom with my client on my ear, and don't give me a dime. Make me prove it, hold me to everything I

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say.

Ladies and gentlemen, listen to their counterclaims. Listen to what they claim their damages are. Make them prove to you libel and malice. Make them prove to you that Ali was injured. Hold both sides to just what they say they are going to prove and see if their counterclaim isn't just loudmouth Ali style, the same way that he libeled my client.

Thank you very much.

(Continued on next page.)

THE COURT: Mr. Sharfman?

MR. SHARFMAN: Your Honor, at this time I'd like to move to dismiss the case on the basis of the plaintiff's opening statement, there being no allegation of actual malice against the publisher of the program of which he is complaining.

THE COURT: You may proceed with your opening statement.

MR. SHARFMAN: You just heard the plaintiff's lawyer tell you his view of the case. Now I have for the first time the oportunity to present Mr. Ali's case as I understand it and as I believe you will understand it after hearing all the evidence. That's the way our courtroom procedure works. You will always hear from Mr. Perez' lawyer first. But I know that as jurors you will wait to hear Mr. Ali's side and Mr. Ali's evidence before making up your mind as to the facts.

As you heard, this case arose from a World Heavyweight Champion fight in Cleveland between Muhammed Ali and Chuck Wepner. The fight was in March, 1975, about a year and a half ago. Mr. Perez here, the referee in that fight, is complaining about statements that were broadcast by ABC on its Wide World of Sports program program concerning that fight. Mr. Perez claims that statements made on that

program as broadcast on ABC by Mr. Ali defamed him and his professional reputation as a boxing referee.

As Mr. Perez' lawyer told you, there are situations in which athletes complain about the way an official in a sports contest is refereeing. In this case Mr. Ali believed that throughout the Chuck Wepner fight, throughout Mr. Ali's fight with Chuck Wepner, Mr. Perez, the referee in that fight, whose job it was to enforce the rules of boxing, had permitted Chuck Wepner to illegally punch him behind his neck, like that, that is a rabbit punch that Mr. Sullivan spoke about, behind his neck, throughout the fight.

I have counted them up, and you can see them for yourself, there are over 150 rabbit punches in this fight delivered by Mr. Wepner to the back of Mr. Ali's neck where the brain and the spine meet. There are over 100 kidney punches, to the kidney area.

(Continued on next page.)

The counterclaim that Mr. Sullivan is mentioning--he failed to mention the counterclaim for bodily injury, for the fact that Mr. Ali suffered neck damage, that he for a week after the fight urinated blood because of the kidney punches.

Getting back to Mr. Perez' claims, before this fight in Cleveland there was a great deal of publicity. You will hear about that publicity and you will see that it was well publicized that Chuck Wepner intended to fight Muhammed Ali dirty, to fight him by rabbit punching him behind the neck, fight him by hitting him in the kidneys, fight him any way he could, illegally, to take Muhammed Ali's crown away from him.

A picture is worth a thousand words, people say. You will see pictures. We will show you pictures in this case. We will show you the fight between Ali and Wepner. You will see in the course of that fight, starting in the very first round, Mr. Perez standing by and watching, watching as Chuck Wepner, a 6-foot-5 heavyweight boxer, takes his right hand fist and slams it back into Muhammed Ali's neck, repeatedly, once, twice, three, four times.

You will see Mr. Ali in the very first round turn and protest, stop fighting and turn to Mr. Perez and say, indicating like this, "He is hitting me behind my neck.

Stop him. It is illegal."

Mr. Perez stands there an ignores Mr. Ali and ignores the rabbit punching, even though it is his job to enforce the rules of boxing, even though it is his job as the referee to protect the fighters against the kinds of blows that boxing has outlawed because of their extreme danger to human beings.

But, Mr. Perez doesn't stop there. Mr. Wepner continues to rabbit punch, you will see this in the first round of the fight, continues to rabbit punch after Mr. Ali has complained to Mr. Perez. In desperation, you will see Muhammed Ali go like this in exaggerated fashion to the back of Chuck Wepner's neck, indicating to the world the dirt that's being done to Mr. Ali without Mr. Perez stepping in to enforce the rules as he is supposed to.

At that point you will see Mr. Perez, the supposedly impartial referee, who has just permitted Mr. Wepner to rabbit punch Mr. Ali at will, step in and warn Mr. Ali, like this, no rabbit punching, you will see it all in the tape of this fight, right in the first round.

After that you will see Mr. Wepner continuing in the first round to rabbit punch Mr. Ali. Finally, for the first time in the first round, you will finally see Mr. Perez issue a warning, after perhaps 10 rabbit punches,

after Mr. Ali has begged him to enforce the rules, after Mr. Ali has had to demonstrate to the crowd the illegality being doen on him because the referee wasn't enforcing the rules, then after all that, when Mr. Wepner continues to rabbit punch him, finally Mr. Perez for the first time turns to Mr. Wepner and says, "No rabbit punching." Then after that you will see Mr. Wepner continue to rabbit punch Mr. Ali in the first round, without any warning from Mr. Perez, no warning at all. That's just the first round.

The rabbit punching and kidney punching continued throughout the fight. You will see it gets to the point where Muhammed Ali, the World's Heavyweight Champion, has to hold his gloves behind the back of his neck to protect it from being hit illegally and painfully by Chuck Wepner. You will see Mr. Perez standing, watching, looking, observing, can't miss what's happening -- you will see it, there won't be any question in your minds, that Mr. Perez did not see it.

Mr. Perez was looking right at it, but Mr. Perez did not see it.

You will hear testimony then from Mr. Perez himself that right after the fight, right after this fight in which Mr. Ali is hit behind the back of his head and in his kidneys, without any protection, to speak of, from this referee, who stood by and watched, hands on his hips, looking

around, watching what is happening, no warning, no warning to Mr. Wepner, with the heavyweight championship crown on the line, the heavyweight title that can be taken away like that, a heavyweight championship title that can disappear when a fighter's will to win is lost because of a bruising battering at the base of the brain, you will see that after all that Mr. Perez held a press conference before Mr. Ali had spoken one word, Mr. Perez held a press conference.

There were reporters there from all over the world. One hundred, two hundred, three hundred reporters, crowded into a large hall. Microphones blasting. You will hear Mr. Perez saying to the reporters that no -- the reporters asked, "What about the rabbit punches?"

You will hear him say, "I didn't take any points away from either fighter because they were both doing it equally."

Then you will hear him say in response to a question about a fall in the 9th round of the fight when Muhammed Ali hit the canvass, as they say in boxing, a fall that Mr. Perez, the referee, ruled to be a clean knockdown, you will hear Mr. Perez tell those reporters from all over the world, "It was a clean knockdown and Mr. Ali tripped on his own feet." That's what Mr. Perez said about Mr. Ali before Mr. Ali said one word. That's what Mr. Perez said

after, as you will see watching the films and tapes of that fight, after Mr. Perez had stood by not doing his job, not enforcing the boxing rules and not protecting the fighters in that ring, not protecting Muhammed Ali against the dirt that was being done to him, you will then hear Mr. Perez say that before Mr. Ali has said one word.

Yes, I know we have heard about athletes talking about referees not doing their job. But I don't think any of us have ever heard before this case of a referee coming out of a fight without there having been one word from a participant about him and starting in on the fighters, starting him on the World Heavyweight Champion, starting in on the man he has just allowed to be punched unlawfully, illegally, dangerously, over 150 times in the back of the neck, 100 times to the kidneys, starting in on him saying, "He was fighting as dirty as Chuck Wepner, so I didn't take any points away from him."

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He didn't disqualify Chuck Wepner, he didn't take points away from him. He is a 6-foot 5-inch heavyweight. He could have taken the fight away from him, if he could have gotten away with enought. Boy, he sure tried to get away with enough.

As Mr. Sullivan says, a referee cannot please everybody, but when you see this fight you will know who Mr. Perez was pleasing. You will also hear from Mr. Perez again, how after the press conference he didn't let it lie there and just stop. He spoke to other reporters.

He told them that Mr. Ali was embarrassed about the way he had performed against Mr. Wepner, he was embarrassed about being knocked down, he was just a crybaby, Mr. Ali was. That's what Mr. Perez told the reporters.

Then he called the well-known television personality, Howard Cosell, he called Howard Cosell on the phone and he told Howard Cosell, "This many Ali outdid Wepner in rabbit punching. He is just embarrassed because he was knocked down by a man like Chuck Wepner."

All this happened before the Wide World of Sports program on which the comments that Mr. Perez complains about were even tape recorded prior to its broadcast. Again, a picture is worth one thousand words. We are going to show you actual photographs and films, photographs and films of

this clean knockdown that Mr. Perez ruled a so-called clean knockdown.

You will see in those films and photograph -- you will see in the photograph of that clean knockdown, so-called, Mr. Wepner standing on Mr. Ali's foot. There isn't any question about it. It is just as Mr. Ali said right after the fight when he finally got his chance to speak to the reporters after Mr. Perez, just like he said: "Go look at the fight, go look at the pictures. That man was standing on my foot, just like the referee let him stand on my foot all through the fight."

You will see the picture. You will see Mr. Wepner standing on the World Heavyweight Champion's foot and the Champ going down with Mr. Wepner's foot pinning his to the ground so there was no way he couldn't fall. Mr. Perez rules that a clean knockdown.

It is true, as Mr. Sullivan has told you, that Mr. Ali did win the Wepner fight, and he did win the Joe Frazer fight and he won the Jerry Quarry fight. The Jerry Quarry fight isn't involved here because you will hear that Mr. Perez stopped that fight because of the extreme physical danger to Jerry Quarry. He had a large gash over his eye that you could see his bone through, says Mr. Perez, and that's why he stopped that fight. So I do not think that

is involved here.

Focusing on the Frazier fight and the Wepner fight, yes, it is true, Muhammad Ali did win those fights, and, yes, it is true, we know he deserved to win those fights, he went the distance with Joe Frazier, he had to go the distance with Joe Frazier, and he won.

He almost went the distance and finally on a technical knockout, by knocking Chuck Wepner out in the last few seconds of the 15th round, he won convincingly the Wepner fight. We know that now that now. It wasn't so clear then. He had to win those fights convincingly in order to win them.

It is very nice of Mr. Sullivan to tell us now that he doesn't question that Mr. Ali won those fights. But we will show you films and photographs from the Joe Frazier fight, from the second round of the Joe Frazier fight. You will see in the second round of the Joe Frazier fight that Muhammed Ali is about to knock Joe Frazier out, he is about to knock him out, and you will see Mr.Perez step in and stop the round, call the round over.

You might say that Joe was saved by the bell, except that there wasn't any bell. There wasn't any bell, there weren't any lights on the poles that went on. Madison Square Garden has big red lights on the four poles in the corners of the ring. Those lights go on at the end of a round.

You will hear out of Mr. Perez' mouth that he is instructed over and over again to look for the lights on the poles. You must look for the lights to know when the round ends. Mr. Perez didn't see any lights, and we will prove it to you.

We will prove to you so convincingly that there will not be any doubt in your mind that he didn't see any light. Yet he called that round over, saving Joe Frazier from being knocked out and preventing Muhammed Ali from winning that fight in the second round.

Yes, it is true, Muhammed Ali went on to win that fight. He won it so convincingly that nobody could vote against him. He got a unanimous decision. That's why he won it. He had to go that distance and he had to run the risk of losing that fight, even though he had Joe Frazier on the ropes, and the world saw it, and Mr. Perez stopped in and saved him, saved Joe Frazier, and called the round short.

You will hear that there was an investigation after it by the New York State Athletic Commission.

We will also show you the tape recording of the broadcast on the ABC Wide World of Sports program that Mr. Perez is complaining about here. You will see the interview between Mr. Cosell and Muhammed Ali. You will hear the words and the statements that Mr. Ali makes. You will see that all of Mr. Ali's comments are in response to direct

questions and statements by Mr. Cosell in which Mr. Cosell repeats Tony Perez' accusations against Muhammed Ali.

You will also hear that Mr. Ali's statements are clearly stated to be his own opinion. They are not statements of any historical fact.

I am confident that as jurors when you have heard all the evidence, when you have seen all the pictures, when you have heard all the testimony, you will conclude not only that what Mr. Ali said was no more than an expression of dissatisfaction with the referee's performance, but also that you will understand and believe that he had good reason to feel as he did.

I will also show you that before these fights, these two fights, between Frazier and Chuck Wepner, Mr. Ali received warning telephone calls telling him, "Watch out, we have got the referee. You can't win."

You will see and read a newspaper article by a well-known sports columnist making the same statements prior to Mr. Ali's going on the Wide World of Sports show and which Mr. Ali read before going on the show.

In short, I believe that, as I have said, when you have heard all the evidence, when you have heard Mr. Ali testify before you, when you have seen the pictures, you will agree with me that a picture is worth a thousand words,

you will believe Mr. Ali and you will believe that not only did he believe what he said, but that he had good reason to do so. Thank you.

THE COURT: Mr. Eldridge?

MR. ELDRIDGE: I represent American Broadcasting Company, ABC Sports. ABC Sports is the producer of the Wide World of Sports, which is a program both counsel have mentioned. Channel 7, those of you who watch television in this area, is the television station owned and operated by ABC.

Neither counsel has made any statement against the clients I represent in their opening statements. Accordingly, I merely would like to, in the briefest way, mention why I am here, because you might wonder. In the case where Mr. Perez is suing Mr. Ali and Mr. Ali is suing Mr. Perez, which each counsel addressed themselves to, Mr. Ali felt that if Mr. Perez won, that my client should pay for any judgment in whole or in part.

There is, as the Court noted earlier, in the state court next door, Mr. Perez is suing my clients for the very same thing that he is suing Mr. Ali in this court for. I merely mention those facts so that you will understand my position here, since neither counsel has in effect in an opening statement made any form of claim against my client,

and I certainly don't expect any to be proven in this court. But I am here because I have been brought into the case. Thank you very kindly.

THE COURT: Call your first witness, Mr. Sullivan.

(Continued on next page.)

C H A R L E S C H U C K W E P N E R,

called as a witness by the plaintiff, being first duly sworn, testified as follows:

MR. SULLIVAN: Your address, please?

THE WITNESS: 711 North Lane, Bayonne, New Jersey.

DIRECT EXAMINATION

BY MR. SULLIVAN:

Q Mr. Wepner, just a couple of questions.

Did you, sir, at any time in the fight with Mr. Ali, intentionally step on his foot?

A No, sir, I didn't.

Q After the fight, did you have any complaints about anything that Mr. Perez had done?

A He didn't let me fight inside enough. He broke us a lot when I had him on the ropes, and he stopped the fight at the end of the fight. That is the first time in 131 fights, 13 years, I was ever down or off my feet, and he stopped the fight. I was up at the count of 8. He didn't have to stop, I didn't think. 19 seconds left, I had a complaint. He should have let the fight just go the last 19 seconds.

Q Let me take the first. He didn't let you fight inside.

Could you explain what you mean by that?

A Well, you know, my style of fighting is a pretty roughhouse style of fighting. I fight inside, I body punch a lot. I work inside a lot. I am not a boxer. I wanted to keep Ali on the ropes and work with him inside, I wanted to hit him in the body and try to hit him, you know, in close, because I know he is too fast for me and he is a boxer and he runs a lot. So I wanted to keep him on the ropes and fight him inside.

Everytime we would get inside Ali would grab me behind the head and pull me down, which he was warned for some 8 or 10 times during the fight, and more or less hold me inside until the referee came over and broke the two of us.

Q As to the other incident, Mr. Perez stopping the fight, in that 15th round when you were knocked down, am I correct that was the first time you had been knocked down in your preofessional career?

A In 13 years, the only time since, too.

Q Did you say on a taped program that Mr. Perez had come over and asked you if you were all right and you had said yes?

A Right.

MR. ELDRIDGE: Your Honor, may I object to the

question on behalf of my clients as it wouldn't be relevant to any issue that involves my clients --

THE COURT: Ladies and gentlemen I will give you this instruction at the start of the trial. You will have to pay close attention to the witnesses as they testify to see what the witness is saying and in connection with whom he is saying it.

You will bear in mind that there are four parties here: Perez, Muhammed Ali, American Broadcasting Company and ABC Sports. You will have to see whether the witness or the evidence refers to one or more of these.

You will apply the evidence solely against the party to the case as to whom that evidence runs. You may proceed.

MR. SHARFMAN: Your Honor, I object as to relevancy on behalf of the Defendant Muhammed Ali.

(Record read.)

THE COURT: Sustained. Strike out the answer.

Q The complaint that you told us about that Mr. Perez had stopped the fight, what, if anything, did you say after the fight about that complaint?

MR. SHARFMAN: Objection, your Honor.

THE COURT: Sustained.

Q The complaint you had that Mr. Perez stopped

the fight, can you tell me the reasons for your complaint?

MR. SHARFMAN: I object, your Honor.

THE COURT: Sustained.

Q Mr. Wepner, how many professional boxing matches have you had?

A Amateur and pro?

Q Both, yes.

A About 130, 131.

Q How many professional? About.

A I could tell you exactly. 49 professional.

Q In your opinion, should Mr. Perez have stopped that fight?

MR. SHARFMAN: I object, your Honor.

MR. ELDRIDGE: Objection.

THE COURT: Sustained.

MR. SULLIVAN: No further questions.

CROSS EXAMINATION

BY MR. SHARFMAN:

Q Mr. Wepner, how tall are you, sir.

A I am about six, five and a half.

Q How much do you weigh?

A About 225.

Q How much did you weigh the night of the Ali-Wepner fight?

A 225.

Q Did you step on Mr. Ali's foot in the course of your fight with Mr. Ali unintentionally, sir?

A No, sir.

MR. SULLIVAN: Objection, sir. Assumes a fact not in evidence.

MR. SHARFMAN: Pardon me, sir. I did not hear the grounds.

THE COURT: The objection is overruled. The witness may answer the question.

A No, sir, I didn't.

THE COURT: What do you mean by that? You mean you stepped on his foot intentionally?

THE WITNESS: I didn't step on his foot at all.

Q At no point in this fight, Mr. Wepner, did you step on Mr. Ali's foot?

A No, sir, I didn't.

Q At any point in your fight with Mr. Ali in Cleveland on March 24, 1975 for the Heavyweight Championship of the World, at no point, sir, is it your testimony, that at no point during that fight you stepped on Mr. Ali's foot?

A I didn't step on his foot during the knockdown that we are discussing now.

THE COURT: That is not what he is asking you.

He wants to know whether at any time --

THE WITNESS: I might have stepped on his foot unintentionally, your Honor.

Q You might have?

A Yes, sir.

Q Did you might have done it more than once?

A Not to my knowledge.

Q But you might have?

A It is quite possible.

Q Did Mr. Perez warn you about stepping on Mr. Ali's foot at any time in the course of that fight?

A No, sir.

Q You just recently had a fight with a gentleman named Duane Bobick?

A Yes, sir, I did.

Q How long did that fight last?

MR. SULLIVAN: Objection, your Honor. Improper.

THE COURT: Sustained.

Q Were you warned by the referee in that fight against rabbitt punching?

A No, sir.

Q You don't recall being warned in the very first round by the referee against rabbit punching?

MR. SULLIVAN: Objection, your Honor.

THE COURT: Overruled.

A Not for rabbit punching specifically. For roughhousing inside.

Q Dirty roughhousing inside?

A Yes, yes. That was what he warned me about, yes.

Q Did Mr. Perez in the course of the Ali-Wepner fight for the World Heavyweight Championship, the fight we are concerned with in this lawsuit, did Mr. Perez warn you for dirty roughhousing in that fight?

A Yes, sir, he did.

Q He did?

A Yes, sir.

Q Can you recall when he did?

A Early in the fight, the first few rounds, and during the middle of the fight and near the end of the fight. But he warned both of us.

Q Prior to the Ali-Wepner fight, Mr. Wepner, isn't it true that you were training with your sparring partners, practicing throwing rabbit punches and kidney punches?

A No, sir.

Q You don't recall doing that?

A The rabbit punches and kidney punches, there is a very thin line between being illegal and legal. Punches to the side of the body --

THE COURT: He just asked you whether you were training to do those things. What is your answer to that?

THE WITNESS: No, sir.

Q But it is your testimony, Mr. Wepner, that you have a dirty,roughhouse style, is it not?

A I didn't say dirty. I said roughhouse. Roughhouse style.

MR. SHARFMAN: Thank you. I have no further questions, Your witness, Mr. Eldridge.

THE COURT: Mr. Eldridge?

MR. ELDRIDGE: I have no questions of the witness.

THE COURT: Any redirect?

MR. SULLIVAN: Oh, yes; your Honor.

REDIRECT EXAMINATION

BY MR. SULLIVAN:

Q Mr. Wepner, did the refer-e in this most recent fight take any rounds away from you for anything whatsoever?

A I have never had a round or a point taken away from me in 13 years of boxing.

MR. SULLIVAN: No further questions.

THE COURT: I don't think it has been stated on the record, but in what state was the Wepner-Ali fight and on what day?

THE WITNESS: March 24th, your Honor, in Richfield,

Ohio, a suburb of Cleveland.

THE COURT: Was it subject to the rules of fighting of the Ohio State Commission?

THE WITNESS: Yes, sir, it was.

THE COURT: Thank you.

MR. SHARFMAN: May I have a recross, your Honor?

RECROSS EXAMINATION

BY MR. SHARFMAN:

Q Mr. Wepner, did you rabbit punch Mr. Ali in your fight with him in Springfield, Ohio?

A Not intentionally.

Q Did you rabbit punch him, sir?

A I guess some of them did wind up rabbit punches.

Q Did you rabbit punch him in the first round?

MR. SULLIVAN: Objection. Itis improper redirect.

THE COURT: You raised the question about whether any rounds were taken away, and I think that this comes within the general scope of that.

Did you rabbit punch him in the first round?

THE WITNESS: I punched him to the side of the head and I imagine some of them went to the back of the neck because the referee did warn me in the first round, yes, sir.

THE COURT: When you say you imagine, and "Yes, sir," which is your answer, that you did rabbit punch him in the first round?

THE WITNESS: Yes, sir. I did rabbit punch him in the first round.

Q Did you rabbit punch him in the second round, Mr. Wepner?

A I don't remember exactly, sir. In the early rounds, the first few rounds I got warned once or twice, yes, sir.

Q You were warned once or twice in the first few rounds?

A Yes, sir.

Q Did you get warned thereafter about rabbit punching by Mr. Perez?

A Some rabbit punching and some roughhousing tactics, yes, sir, pushing, punching, you know, it is my style, you know.

Q Rabbit punching and kidney punching are your style?

A No. The roughhouse punching is my style.

Q The roughhouse is your stile?

A Yes, sir.

MR. SHARFMAN: I have no further questions.

THE COURT: Are you saying that you received

more than one warning about rabbit punching?

THE WITNESS: Yes, sir, I did, sir.

THE COURT: Thank you. You may step down.

(Witness excused.)

THE COURT: Next witness.

MR. SULLIVAN: Mr. Lobianco.

J O H N L O B I A N C O, called as a witness by the plaintiff, being first duly sworn, testified as follows:

MR. SULLIVAN: Your address, please.

THE WITNESS: 10 Willow Road, New Hyde Park, New York.

DIRECT EXAMINATION

BY MR. SULLIVAN:

Q Mr. Lobianco, what is your occupation, sir?

A I am a liquor salesman, wine and spirits.

Q Besides that do you have any other occupation connected with boxing?

A Yes.

Q What is that?

A I am a boxing referee with the New York State Athletic Commission.

Q Mr. Lobianco, for how long have you been licensed by the New York State Athletic Commission?

A 22 years.

Q How many Heavyweight Championship bouts have you refereed, if any?

A One Heavyweight Championship bout.

Q Who was that between?

A Muhammed Ali, he was Cassius Clay, against Zora Foli, in April, 1967.

Q How many professional fights have you refereed at Madison Square Garden?

A I would say a few hundred in the 22 years that I have been associated with the Commission.

Q Can you tell me, if you know, how a referee is chosen for a fight?

MR. ELDRIDGE: I object, your Honor.

THE COURT: I will take that on general grounds. You may answer. How do they pick a referee for a fight?

THE WITNESS: Your Honor, I really don't know the procedure that they use.

THE COURT: That is enough, then, if you don't know the procedure. Go ahead with your next question.

Q Sir, have you seen Tony Perez referee a fight, ever?

A Yes.

Q How many fights have you seen Tony Perez referee, whether on television or in person?

A 10 or 12.

Q In your opinion, sir, who are the top three referees in the State of New York?

MR. ELDRIDGE: Your Honor, on behalf of the ABC and ABC Sports defendants, object. There is absolutely no issue--

THE COURT: I have asked you not to discuss your grounds. Your objection is sustained.

Ladies and gentlemen, the reason I have asked the lawyers not to discuss the gounds is this, and it is simply this. We are going to be guided in this case by what the evidence is, and we don't want any intrusion on the part, unintentional or otherwise, on the part of anyone else connected with the case, not even the Judge, on the facts of the case by the way somebody makes a comment.

So the safest way to make the case stick to the evidence is to cut the comments. Lawyers have a right and should in the protection of their clients' interests to call to the Court's attention legal points and legal objections. But that doesn't give them a right to make speeches as to why the objection is made. They may make a proper statement, they may make an improper statement which will mislead you as to what the evidence is.

So the minute they are through making their legal statement, I stop them. If they want to tell me any more about it because they are afraid I don't understand, they can send me a note.

In the meantime all that you have heard is that there is a point of law that they want me to rule upon, and we go on with the evidence which comes solely from the witness stand or from the exhibits. So I am not being mean or attempting to cut the lawyers off in any way. I am trying to keep this case within the framework of the case that you will consider on the evidence and the evidence alone.

Please proceed.

BY MR. SULLIVAN:

Q Can you tell me what are fouls according to the New York State Boxing Commission?

A We have minor fouls and we have major fouls.

Q What are the major fouls?

A A major fouls is unsportsmanlike conduct in the ring, hitting an opponent who is in a down position or arising from a down position, failing to heed the referee's warnings concerning minor fouls.

Q The unsportsmanlike conduct in the ring, what does that include?

MR. SHARFMAN: Objection, your Honor.

THE COURT: Basically we are dealing with an Ohio case and a boxing bout based on Ohio rules. While I am going to permit you to give the jury a slightly liberal education here, the jury will remember that the witness is not, so far as I have heard up to now, talking about Ohio at all. He is talking about New York. The jury will bear that in mind.

Go ahead.

Q Mr. Lobianco, the Frazier-Ali fight 2 that Mr. Perez refereed, where was that fought?

A I believe it was in New York, wasn't it?

Q Madison Square Garden, is that correct?

A New York State, yes.

Q Unsportsmanlike conduct, tell me what it includes.

MR. SHARFMAN: I object to the question, your Honor.

THE COURT: Overruled.

THE WITNESS: May I answer the question, your Honor?

THE COURT: Yes, you may answer the question.

A Unsportsmanlike conduct in the ring covers a wide range of, shall I say, behavior. Foul language,

I would say is one.

Continuous fouling would be unsportsmanlike, besides being physical. In my estimation, I think that is two of the most important things. Failing to heed a referee's warnings, which I said before is a major foul concerning minor fouls.

Q What are the minor fouls?

A Hitting with an open glove, holding behind the head, low blow, a kidney blow, failing to go to a neutral corner in the event that you score a knockdown, leaving your corner before you are told by the referee to leave your corner when you have reached the mandatory 8 count, which is one of our rules for fighters in down position, you must take an 8 count, it is mandatory; those are minor fouls.

Q It would be fair to say that rabbit punching is a minor foul also, isn't it?

A Yes.

Q In New York State, what are a fighter's seconds supposed to be doing during the fight?

MR. ELDRIDGE: Your Honor, on behalf of ABC and ABC Sports, I object.

THE COURT: We will take this subject to connection.

A Their duties?

Q Yes.

A The duties of a second?

Q While the fighters are fighting, not in between the rounds, but while the fighters are fighting.

A During the progress of the round they have stools which they are assigned to in the corner, and they are supposed to be silent.

MR. SULLIVAN: No other questions.

CROSS EXAMINATION

BY MR. SHARFMAN:

Q Mr. Lobianco, are you acquainted with the plaintiff in this cause, Anthony Perez?

A Repeat that, please.

Q Are you acquainted with Mr. Perez, the plaintiff in this action?

A Yes.

Q For how long have you known Mr. Perez?

A About 8 years.

Q About 8 years.

You testified that a rabbit punch is a minor fould under New York Rules.

What does that mean in the course of refereeing a boxing match? Let me state it a different way.

If a fighter --

THE COURT: What is the effect of a rabbit punch?

Q What is the effect of a fighter's rabbit punching his opponent? What do you as a referee do?

A It is difficult for me to analyze how much effect a rabbit punch would have on an opponent.

Q That wasn't what I meant to ask, Mr. Lobianco.

What would you as a referee do if a fighter in the ring in a fight in which you were refereeing, rabbit punched his opponent?

A It is customary to warn that particular fighter that he is perpetrating a foul blow, which is a minor foul in this particular case. You are referring to a rabbit punch, is that correct?

CROSS-EXAMINATION CONTINUED

BY MR. SHARFMAN:

Q You warned the fighter, would you not?

A Yes.

Q You indicate to the crowd when you warn a fighter, do you not?

A You do, yes, so that they are acquainted as to the reason why you are warning them.

Q Would you show the ladies and gentlemen of the jury how you indicate to the crowd when you are warning a fighter against rabbit punching?

A You would momentarily stop the fight, make a motion with your fist that he is hitting behind the head so the crowd is aware of why you are warning him, and then, of course, you direct the fighter not to perform that foul again.

Q What if that fighter again, after that warning, again rabbit punched his opponent, what would you, as a referee, do then?

A I have seen times when it has been done with intent, and I have seen times when it's an accident. I have made it a practice to warn him a second time.

Q So the second time a fighter did it you would warn him again, and would you also stop the fight momentarily,

turn to the crowd and indicate to the back of your neck that you were warning him from rabbit punching?

A Yes, sir.

Q What if that fighter, that same fighter, threw a third rabbit punch, what would you do then as a referee in that fight?

A Then I stopped momentarily again to make a motion to the crowd, and then I'd tell the fighter that he just lost a round. I said I am taking this round away from you, and I would continue -- I would let them continue boxing for the end of the round. At the end of the round, I approach the judges and notify them that I have taken the round away for rabbit punching.

Q Under the rules of boxing, you, as the referee, have the authority to take the round away under those circumstances, do you not?

A Yes.

Q What if that same fighter came out in the next round and again rabbit punched his opponent after you had already taken the first round away for the rabbit punching he had done?

What if he did it in the second round? What would you then do as a referee?

A Warn him again.

Q If after that second warning -- withdrawn.

A This hasn't happened to me, counselor --

THE COURT: He is asking you what are the obligations --

A The obligation is to warn the fighter.

THE COURT: How many times do you keep warning him if this keeps up every round? Is that the only action you take?

THE WITNESS: In this particular case he only lost one round.

THE COURT: Please, I am not asking about any particular case. He is asking you is the only effect of repetition one, two, three, four times, just to warn him a fifth time?

A You have the authority to disqualify him if you felt that he was continually fouling and failing to heed your warning.

Q What would you say about a referee who did not warn a fighter who was rabbit punching, as I have just asked you, throughout a fight, who didn't warn him, did not disqualify him?

Would you say that referee was doing his job?

A He might not have been interpreting those punches as rabbit punches in --

Q That's not my question.

THE COURT: He is saying, assume there is a rabbit punch and the referee does nothing or says nothing, is that consistent with a referee's obligations and duties in the ring?

THE WITNESS: He has the authority to, like I said before, disqualify him.

THE COURT: Is that consistent or not consistent?

THE WITNESS: The warnings, yes, the referees are quite consistent about that.

Q That's not my question.

A Will you repeat your question, sir?

Q If a referee permits continuous rabbit punching by a fighter without warning him as you have indicated you would warn him, and as you have indicated you would take a round away, and he permits that throughout the fight, is that referee doing his job?

A I would say he wasn't, no.

Q Thank you, sir.

Just to clear the record up, Mr. Lobianco, a rabbit punch isn't called a minor foul because it's not serious in the sense that it isn't a serious danger, is it?

A I really can't say why they arrive at that particular foul as a minor foul. It doesn't happen that often.

Q Rabbit punches are unusual in your experience as a referee?

A Yes.

Q Would you say that's because referees prevent fighters from rabbit punching by warning them against them?

A No. I would say that the average youngster that takes up boxing from the very inception ofhis, shall I say, training, he is told that that is a foul and you try to school him in the direction of being a clean fighter.

Q Let me ask you about kidney punches, Mr. Lobianco.

If a fighter threw kidney punches at his opponent, threw a kidney punch at his opponent, would you warn him about it?

A Definitely.

Q Kidney punches are a minor foul too, aren't they?

A They are, yes.

Q They are a dangerous foul in the sense that they can maim a person, aren't they?

A I imagine continuous pummeling could do some damage, yes.

Q Yes, sir.

What if after you warned the fighter, he again kidney punched his opponent, what would you do then?

A You would have to take the round away to show your

authority.

Q How would you indicate to the crowd that you were warning a fighter about a kidney punch?

A You would make a motion of putting your fist behind your kidneys and pointing to the perpetrator.

Q You would motion like this to where the kidney punch area is (indicating)?

A Yes.

Q In your opinion, as a referee, Mr. Lobianco, if a referee permitted a fighter to rabbit punch -- withdrawn.

In your opinion as a referee, if a referee permitted a fighter to kidney punch his opponent throughtout the fight, never warning him about it, would that referee be doing his job?

A I would say he wasn't, no.

MR. SHARFMAN: No further questions.

Thank you, Mr. Lobianco.

THE COURT: Any questions?

MR. ELDRIDGE: I have no questions.

THE COURT: Any redirect?

MR. SULLIVAN: Yes.

REDIRECT EXAMINATION

BY MR. SULLIVAN:

Q Mr. Lobianco, on the major fouls that you

mentioned, isn't it a fact that if a fighter commits a major foul the referee has the power to stop the fight right away, declare the other man a winner?

MR. SHARFMAN: Objection, your Honor, outside the scope of the redirect.

B2 THE COURT: Overruled.

A Does he have the authority to immediately stop the fight for one major foul?

Q Yes, does he have that authority?

A I have never read it in the book, but I would say it's to the discretion of the referee on how serious the major foul is.

Q If, in his discretion, he felt it was serious, could he stop the fight and give the fight to the other fighter?

A I guess if he wanted to, he does have the authority, yes. I would say so.

Q In refereeing, sir, do all referees take the round away during the round or do some wait until the round is over and then go over and tell the judges in the corners that he has taken the round away?

A The book instructs you to wait until the round is over and then notify the judges.

Q So, when you tell us that you tell the fighters

that you are taking points away or you lost that round, isn't it a fact that the way it's supposed to be done is you wait until the end of the round? At the end of the round you go over and tell the judges that you have taken a round away?

A And you also notify the boxer that you have taken the round awa' from him for that particular foul.

Q That's at the end of the round, is that correct?

A Correct.

Q If a boxer is rabbit punching at the very beginning of the round, but before the round is over and you can go and take the round away, the other boxer starts to rabbit punch deliberately, would you still take the round away?

A Could you repeat that about the rabbit punches? I lost the first part of it.

Q If you had warned the boxer about rabbit --

A You already warned him once you say?

Yes.

Q You warned him once.

Before the round is over, the first round is over so you can go and tell the judges I am taking the round away, the other fighter starts to deliberately rabbit punch many times, would you then, at the end of the round, take the round away from the first fighter?

MR. SHARFMAN: Objection, your Honor.

THE COURT: Sustained.

What is the effect, if any, if, during the same round, the one who has been rabbit punched turns around and rabbit punches the other one so far as a loss of the round is concerned?

THE WITNESS: Usually in the fights that I participated in, I haven't had fights get out of hand like that.

THE COURT: Is there any rule about it?

THE WITNESS: There is no set rule in the books, no.

Q Within the referee's discretion?

A I would say it's something --

MR. SHARFMAN: Objection, your Honor.

THE COURT: I am going to overrule the objection.

What were you going to say?

THE WITNESS: I have never been subjected to a situation where I have had to make a decision like that because I, more or less, controlled the fights that I have refereed, and bringing up a mythical case of what I would do and hasn't yet happened to me, I find it very difficult, your Honor, to say this is what I would do and this is what I wouldn't do.

THE COURT: That's your answer.

Q Sir, have you ever refereed a match involving

Chuck Wepner?

A No.

Q Can you define for me where the kidney punch area is?

A The center line of your ribs, anything in back of that is considered a kidney punch.

Q In back of the center line?

A Yes.

THE COURT: You said the center line of your --

THE WITNESS: Ribs.

Q What if part of the fighters gloves are on one side of the line and the other part of the fighter's gloves are on the other side of the line, is that a kidney punch?

A You are talking about if half the glove is in fair territory and half the glove is not?

Q Right.

A You are drawing a pretty thin line there. Usually a kidney blow is deliberate.

Q In all of the assumptions that Mr. Sharfman gave you as to what you would do if a man was rabbit punching, let's take in the first three rounds that he spoke to you about, I want you to assume, sir, that in those three rounds the other fighter is continually holding and holding the man who is doing the rabbit punching down, and that while

the man is being held down he is swinging like this, and he is rabbit punching, but he is rabbit punching while he is being held.

Would you then take the round away from the man who is doing the rabbit punching if, in your opinion -- and assume this -- if, in your opinion, his rabbit punching was unintentional?

A How many rabbit punches can you land that are unintentional, couselor?

Q My question is this: If your head is being held down --

MR. SHARFMAN: Pardon me, your Honor. I didn't hear the witness' answer.

THE COURT: How many rabbit punches can you land if they are what?

If they are unintentional, or intentional, which is the word you used?

THE WITNESS: It's very difficult to say whether they are intentional or unintentional. When you are being held down like that, you are just throwing punches at random.

THE COURT: We don't think we got the clear phrasing of your expression. You said how many punches can you land that are unintentional?

THE WITNESS: No, rabbit punches when your head

is being held down that are unintentional.

In other words --

THE COURT: When you asked that question of yours, does that mean that if you land more than one rabbit punch, that you would assume it to be intentional?

THE WITNESS: Whether it was intentional or not, you would still warn the fighter in question. You would still warn him.

Q If you warned the fighter --

By the way, the rabbit punches, where is the area for that?

A The back of your neck, the lower part of your head.

Q Directly in the back?

A Correct.

Q What about to the side?

A On the side under the ear is considered a rabbit punch.

Q If, in your assumptions, one man has thrown rabbit punches --

Let's say he has thrown five rabbit punches. Let's assume that they were not hard rabbit punches, and the other man is holding throughout the round, and you are warning them both. Then the man who is holding, in your estimation,

during that same first round, deliberately rabbit punches hard with an effect. Would you take any points away from the man who is doing the rabbit punching intentionally?

MR. ELDRIDGE: May I have an objection?

THE COURT: Do you understand the question?

THE WITNESS: I believe what he is asking me is --

THE COURT: Do you understand his question?

THE WITNESS: This question here?

THE COURT: Yes.

THE WITNESS: I think I do, yes.

THE COURT: Answer.

A You want to know from me if both of them were committing fouls during the course of the round, one holding and the other was rabbit punching?

(Continued on next page.)

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Q And the man who was holding is also doing some rabbit punching?

A They are both throwing foul punches, and you are assuming that they were all intentional?

Q No, I want you to assume -- withdraw the question, I will try to rephrase it.

Take two fighters, A and B. A fighter throws what you assume to be, what you decide to be unintentional rabbit punches. B fighter, while this is going on, is holding throughout the round, and B fighter is also, in that round, throwing what you assume to be intentional rabbit punches.

Would you take points away from A fighter?

MR. SHARFMAN: Your Honor, I must object.

THE COURT: Overruled.

A Counselor, it is a difficult question for me to answer because I have never been in a position where any fight that I have handled ever got out of hand. A fight like that winds up to be, shall I say, uncontrolled. I have never allowed any of the fights that I have participated in to get to that point, so it puts me in a, shall I say, very strange predicament, what would I do.

I have seen fights where they have more or less started to get a little roughhouse. I have made it a

practice to go to the corner and talk to both fighters. I go to one corner and then the other, and I have had very good results, and my record, I think, speaks for itself.

THE COURT: When you say a fight like that is uncontrolled, by whom should it be controlled?

THE WITNESS: By the referee.

Q My question to you is this --

MR. SULLIVAN: I move that the answer be stricken. It is not responsive.

Q I know it is a tough spot to put you in, Mr. Lobianco, but I put you in.

When Mr. Sharfman asked you the assumptions and assume this and assume that, I am asking you to do this, assume that it happened, even though it has never happened that A fighter is throwing what you consider to be unintentional rabbit punches and B fighter is holding, and he is throwing intentional rabbit punches.

A I believe if I was in a position like that I would go to both fighters and say they both lost the round and declare it an even round and warn them that if this practice continues, I would disqualify both of them. That is what I would do.

MR. SULLIVAN: No further questions.

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MR. SHARFMAN: Just one question on recross, your Honor.

RECROSS EXAMINATION

BY MR. SHARFMAN:

Q If the referee allowed the fight to get out of hand, as you described it in your testimony, that would mean he wasn't doing his job, wouldn't it?

A Any referee that would allow something like that to take place, I would say, was being lacks.

Q And not doing his job?

A I would say so.

Q And not protecting the fighters or fighter?

A That is one of your responsibilities as a referee, to protect both fighters.

Q Thank you, sir.

MR. SULLIVAN: One question on that, your Honor.

REDIRECT EXAMINATION

BY MR. SULLIVAN:

Q In your opinion, as a professional referee, did Mr. Perez do the best job he could in that fight, Wepner-Ali?

MR. ELDRIDGE: Objection, your Honor.

MR. SHARFMAN: Objection.

THE COURT: Sustained.

Q Did you see the Wepner-Ali fight, sir?

A I saw it on television, and --

Q I am not asking your opinion of the job done.

What I am asking you is this:

In your opinion as a professional referee, was Mr. Perez trying to do the best job he could --

MR. SHARFMAN: Objection, your Honor.

MR. ELDRIDGE: Objection.

THE COURT: Sustained.

MR. SULLIVAN: No further questions.

THE COURT: Thank you, you may step down.

You are excused.

(Witness excused.)

THE COURT: Next witness.

MR. SULLIVAN: Mr. Morris.

F R A N K V. M O R R I S, called as a witness by the plaintiff, residing at 116 Pinehurst Avenue, New York, New York 10033, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. SULLIVAN:

Q Mr. Morris, how long, sir, have you been around the sport of boxing?

A I have been in boxing all my life.

Q What is your position today, sir?

A Deputy Commissioner with the New York State Athletic Commission.

Q In what department, sir, Deputy Commissioner of -- is that strictly boxing?

A New York State Athletic Commission.

Q Are your duties confined to boxing?

A Boxing and wrestling.

Q How long have you been a Deputy Commissioner of the New York State Athletic Commission?

A Since 1959.

Q How many, if you know, sir, approximately, fights have you participated in the selection of referees in New York State?

A The Chairman of the Commission selects the officials.

Q Are you called in to advise and meet with the Chairmen on these selections?

A Sometimes.

Q How many times has that happened, sir?

A It is a matter of 17 years. It has happened quite often.

Q Can you tell me, sir, how a referee is selected for a heavyweight fight in Madison Square Garden in the

year 1974?

MR. SHARFMAN: I object, your Honor.

MR. ELDRIDGE: Objection, your Honor.

THE COURT: I think I will allow the general procedure.

A How the officials are appointed?

Q Yes, sir.

A The Chairman selects the official that he thinks is best suited for the job.

Q In your experience, sir, what happens if one of the heavyweight fighters in a Heavyweight Championship, after finding out who the referee is, objects to that referee?

MR. SHARFMAN: Objection, your Honor.

THE COURT: Again, I will take this subject to connection. I don't know where it leads but we will take it for the moment.

You may answer.

A The question again?

Q What happens --

THE COURT: Suppose a fighter doesn't like the referee and he objects to him, so what?

Q In a Heavyweight Championship battle?

A I believe they can object to one official, one

referee and one judge.

Q If they object to that referee, does the referee referee that match?

A If they object?

Q Yes. What is the practice, sir?

What is the custom in the business if a heavyweight figher objects to a referee, will that referee referee the fight?

A If he objects to the referee?

Q Yes.

A He has a right to object to it at the weigh-in time, and if he objects to one official not referee the battle.

Q Isn't it a fact, sir, that if it is even stronger than that, that in fact if a Heavyweight Champion of the World says one hour before the right, I don't want that man to referee my fight, that that man will not be in the ring; isn't that a fact?

MR. SHARFMAN: Your Honor --

THE COURT: What are you adding to the witness' answer? He said he has got one blackball, that is what it amounts to in short terms.

MR. SULLIVAN: Yes, your Honor, but there is an addition there.

THE COURT: I don't know any additions. Get the additions from the witness.

Q You told us, Mr. Morris, if the Commission knows ahead of time --

THE COURT: Does anything else happen other than what you have said, that he has the right to object to one official and that official does not officiate.

THE WITNESS: That is correct.

THE COURT: Does anything else happen?

THE WITNESS: Nothing else happens.

THE COURT: That is the end of it?

THE WITNESS: Yes.

Q You say, sir, that that is if the Commission knows before they make the selection?

MR. SHARFMAN: Objection.

THE COURT: He said at weigh-in time.

A Weigh-in time is at 11:00 o'clock in the morning.

Q Isn't it a fact that if weigh-in is at 11:00 o'clock and the referee is announced one hour before the fight, if the Heavyweight Champion says I won't fight if that man referees, that that man won't be in the ring, is that a fact?

MR. ELDRIDGE: Objection, your Honor.

MR. SHARFMAN: Objection.

THE COURT: He is, in effect, crossing his own witness. I will let him do it.

Are there two times when the fighters can object, once at weigh-in time and once before showtime?

THE WITNESS: No. If he has one referee that he objects to, they can say so at the weigh-in time, and that's it.

THE COURT: That's it?

THE WITNESS: Yes.

Q If he doesn't say so at the weigh-in time, can he object an hour before bell time?

A No, he is not supposed to.

THE COURT: That is what the lawyer is trying to find out.

Q Mr. Morris, how long before the fight took place did Floyd Patterson object to the referee in the Charlie Green fight, how long?

MR. ELDRIDGE: Objection, your Honor.

MR. SHARFMAN: Objection.

THE COURT: Sustained.

THE WITNESS: I can't answer that.

THE COURT: You don't have to answer that.

Q Do you know of any instance, sir, where Heavyweight Champions have objected to a referee one hour before

the fight and the referee was removed?

MR. ELDRIDGE: I object to that.

THE COURT: Sustained.

A That wasn't for a Championship fight, anyway.

THE COURT: You don't have to answer that.

Strike out that answer.

Q Has Muhammed Ali fought in New York State since 1974?

MR. SHARFMAN: Objection, your Honor.

THE COURT: I will take it subject to connection.

A Muhammed Ali boxed last month or ten days ago.

Q Where?

A Yankee Stadium.

Q Who chose the referee for that fight?

A The Chairman.

Q Who?

A Chairman James A. Farley, Jr.

Q Did Muhammed Ali notify your Boxing Commissioner of any referee he did not want for that night?

MR. ELDRIDGE: I object to that, your Honor.

A Not to my knowledge.

THE COURT: There has been an answer.

MR. ELDRIDGE: I move to strike the answer, sir.

THE COURT: I will let it stand.

Q Is Tony Perez licensed today by the New York State Boxing Commissior as a referee? Is he still licensed?

A I am sure he renewed. I am not positive. I didn't look it up.

Q Do you know, sir, whether or not there was an investigation into the stopping of the fight in the second round in the Frazier fight by the New York State Athletic Commission?

A Stopping of the fight?

Q In the second -- yes.

Withdrawn.

In the Ali-Frazier fight in Madison Square Garden, in the second round the fight was stopped early by Mr. Perez. My question to you, sir, is this:

Was there an investigation of that incident by the New York State Athletic Commission?

A No, I don't believe so.

Q Were you at that fight, sir?

A I was.

Q Can you tell me what, if anything, happened just at the time Mr. Perez stopped that fight early?

A He didn't stop. Do you mean the time --

Q I don't mean stop the fight and rule him a winner. I mean stop the fighters from fighting --

A He thought he heard the bell. That has happened many times.

MR. SHARFMAN: Objection, your Honor. Move to strike the answer.

THE COURT: Strike it out.

When you say that I thought I did something, you don't know. You have got to get that from me. That is the reason I sustain the objection. You can't say what goes through my mind, so I strike out the answer.

Q Were you at the fight, sir?

A Was I at the fight? Yes.

Q Were you close to ringside?

A I was pretty close, yes.

Q What, if anything, happened just before he stopped that fight?

MR. ELDRIDGE: Your Honor, ABC will object to this.

THE COURT: Overruled.

Q Did anything happen before the fight was stopped that you can recall?

A What do you mean, did anything happen?

Q Did you, just at the point when Mr. Perez broke --

THE COURT: Put it this way: Was the fight

stopped before or after you heard the bell?

THE WITNESS: The bell hadn't rung, but I think --

THE COURT: Please.

THE WITNESS: I shouldn't think, all right.

Q Mr. Morris, the official bell to end the round hadn't rung?

A It hadn't rung, no.

Q What, if anything, to your knowledge, when you were there did happen at the time he broke the fighters, if anything?

A Nothing special -- nothing that I could see special happened. It was a fight and they were boxing. I happened to have been a referee for 27 years myself --

THE COURT: No, you better stick to the questions. We will get your story in another context, but stick to the questions here.

Q When Mr. Perez jumped in and broke the fighters, mistakenly, before the round had ended --

A That's right.

Q -- did you at that time hear anything from the crowd?

MR. SHARPMAN: Objection to the form of the question, your Honor.

MR. ELDRIDGE: Objection.

THE COURT: Sustained.

Q Did you hear anything at all at the time Mr. Perez jumped between the fighters?

A I don't recall.

Q Mr. Morris, did the Boxing Commission receive a subpoena for records by my office?

A Have they?

Q Yes.

A Yes, but I haven't got any of those records with me.

Q That subpoena asked the Boxing Commission to search for any investigation of Mr. Perez, is that correct?

MR. SHARFMAN: Your Honor, I object to that question.

THE COURT: You are getting into evidence matters that are irrelevant. If you have a subpoena that you want to introduce,you may offer it subject to such rights as the other people have.

MR. SULLIVAN: Yes, your Honor.

THE COURT: The witness has said he hasn't got any records, such as you requested.

Q Do you know, sir, of any time since the time Mr. Perez has applied for his license as a boxing referee,

that the Commission has made an investigation of any of his actions?

MR. ELDRIDGE: Objection.

THE COURT: Sustained.

MR. SULLIVAN: Your Honor, may I just say two words on that?

THE COURT: You may state it on a piece of paper.

MR. SULLIVAN: Yes, thank you.

THE COURT: Let's not forget the case that we are trying here and what that is about.

MR. SULLIVAN: Yes, sir.

THE COURT: This is marked Court's Exhibit 2.

(Court's Exhibit 2 marked for identification.)

Regardless of the facts that you recite on Court's Exhibit 2 as I have already told the jurors, it is the evidence from the witness stand that we are to be guided by and not anything that the Judge says or that the lawyers say.

MR. SULLIVAN: Very well, your Honor. Thank you. No further questions.

THE COURT: Any cross examination here?

MR. SHARFMAN: Just one or two questions, your Honor.

CROSS EXAMINATION

BY MR. SHARFMAN:

Q Mr. Morris, what is the reason for it -- is there a reason that a fighter's or that the referee --

Withdrawn again.

I apologize.

When is the referee announced for a fight?

THE COURT: Announced to whom?

MR. SHARFMAN: To the public.

A 7:30 that evening, that is about all. They see him walk in the arena at 7:30 in the evening, and that is the first time that anybody outside of myself and whoever does the telephoning knows.

Q The referees are telephoned earlier that morning, are they not?

A After 11:00 o'clock, yes.

Q A number of them are called and notified to come down?

A That's right.

Q Is there a reason that the referees for the particular matches that evening are not announced until the very evening of the fight?

A Well, just to make sure that there is no --

just to see that there is nothing improper.

THE COURT: Nothing improper, that's right.

MR. SHARFMAN: Thank you, sir, I have no further questions.

THE COURT: Thank you very much. You are excused. Next witness.

(Witness excused.)

THE COURT: Next witness.

MR. SULLIVAN: Mr. Perez.

THE COURT: I think we will take a short recess. The jury may go out for a short recess.

(Recess.)

(In open court - jury present.)

THE COURT: All right.

Mr. Perez.

A N T H O N Y P E R E Z, J R., the plaintiff, called as a witness on his own behalf, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. SULLIVAN:

Q Mr. Perez, where do you reside today?

A In the Bronx.

Q For how long have you lived in the Bronx?

A Eight years.

Q What is your occupation?

A Sales representative for Seagram Distillers.

Q What is your connection with boxing?

A I am a boxing referee for the New York State Athletic Commission.

Q Are you licensed today by the New York State Athletic Commission?

A Yes, sir.

Q When did you first become licensed by the New York State Athletic Commission?

A 1968.

Q Since 1968 have you been continually until today

licensed by the New York State Athletic Commission?

A Correct.

Q How many heavyweight championship fights have you refereed?

A Two.

Q Which two?

A Joe Frazier vs. Jimmy Ellis and Muhammed Ali against Chuck Wepner.

Q When was the last time you refereed an important heavyweight fight?

MR. SHARFMAN: Objection.

THE COURT: Overruled.

MR. SHARFMAN: May I submit a piece of paper to you?

THE COURT: Yes.

This will be Court Exhibit 3.

Objection overruled.

Q When was the last time you refereed an important heavyweight fight?

A I would say about six weeks ago.

Q Who was that between?

A George Foreman and Scott LeDoux in Utica New York.

Q Who contacted you first concerning the possibility of your refereeing the Wepner-Ali fight?

jqds 3 Perez - direct

MR. SHARFMAN: Objection, your Honor.

THE COURT: Overruled.

A The promoters.

Q Did you go out to Cleveland?

A Yes, sir.

Q Where was the weigh-in for that fight?

A The day before the fight.

Q Did you see Muhammed Ali the day before the fight at the weigh-in?

A Yes, sir.

Q Did you speak with Muhammed Ali the day before the fight at the weigh-in?

A Did I what?

Q Did you speak with Muhammed Ali at the weigh-in?

A We crossed by and said a couple of words like, "Hello, how are you", something like that.

Q Did he at any time prior to the Wepner fight -- well, did Muhammed Ali ever tell you that he didn't want you to referee the fight?

MR. ELDRIDGE: Objection by ABC and NBC Sports.

THE COURT: Overruled.

MR. SHARFMAN: I object also, your Honor.

THE COURT: Overruled.

Q Did Muhammed Ali ever tell you that he didn't

want you to referee the Wepner-Ali fight?

A Never at that point.

Q Have you, sir, ever made a bet on the outcome of a professional fight?

A Never.

Q Do you, sir, know as acquaintances or as friends anyone who you would consider to be a gangster?

MR. ELDRIDGE: Objection, your Honor.

THE COURT: I will take it.

A No, sir.

(Continued on next page.)

Q Mr. Perez, I am going to show you the beginning of the Muhammed Ali-Joe Frazier fight in Madison Square Garden that you refereed and I am going to stop it at the end of the first round and ask you questions.

MR. SHARFMAN: May I ask whether this is the Wide World of Sports program containing the Ali fight?

THE COURT: Just identify what it is you are going to show, please.

MR. SULLIVAN: Plaintiff's Exhibit 1 marked yesterday.

MR. SHARFMAN: And you will be playing it with the sound?

MR. SULLIVAN: Yes.

THE COURT: Just hold it a minute. A request has been made that the vocal part of it be taken down so we will start the picture over again.

(Tape played.)

--"When the two met for the first time. And without further words the fighters are now apparently coming into the ring. You will be able to hear the crowd's excitement for itself. And the first fighter coming into the ring, as you can see on your picture, will be Muhammed Ali, 32 years of age, a long fighting career despite the three and a half years of enforced idleness, two defeats. He lost to Joe Frazier by a decision

on March 8, 1971, then the shocking upset, a broken jaw by Kenny Norton in March 1973 in the San Diego, California arena -- Muhammed Ali coming in first. We understand there was a mild dispute as to which fighter would come in first.

"Finally it was decided that Ali would come in, as you look at it, preceded by Angie Dundee, his trainer, and Bundini 'Drew' Brown. Ali shadow boxing and not wearing tassles this time. You may remember in the first fight he had tassles on his shoe and many remarked, very recently, this was utterly wrong of him and was part of the general clowning he put on on March 8, 1971.

"'I will not make those mistakes again', that is what he said. At age 32 how much is left of Muhammed Ali is left to be seen here and now tonight. Certainly despite all his clowning this is the fight he wanted above all others.

"Now coming into the ring to the accompaniment of the surprising number of boos, because he is a very decent and open man and was certainly a superb fighter when he held the Championship, is Joe Frazier, swathed in swami fashion.

"Remember how Joe Louis used to train and then came down to talk to writers at Pompton Lakes, New Jersey

with the towell over the head in the same way -- Sonny Liston too, for that matter. That is Joe Frazier. They spent a lot of time taping Joe's ankles in the dressing room. You are looking at Ali again -- and Joe. Joe, of course, a terribly grim man where Ali is concerned. It showed in his preparation in the last fight and again in this one.

"MR. COSELL:

"That skirmish, those weeks ago that you read so much about, that was real, as far as Joe Frazier was concerned. He feels that through the years Ali has given him needless verbal abuse, and a prideful man Joe Frazier is. He never did take to it kindly. You are looking back at Ali, and as we await the introduction of the fighters, quickly let me cover the rules for you.

"We will, of course, have the mandatory 8 count. Three knockdowns within a round, the fight is over. This is not a Championship fight, it is a scheduled 12-rounder. They have not waived the three knockdown rule. There will be no saving by the bell. Scoring will be on a per round system with a supplemental point system in the event of a tie, based upon the round scoring.

"The referee will be a relatively young man, Tony Perez. He is, I think, an outstanding referee, in his first very big fight, Ellis-Frazier, which this reporter worked, Perez showed an absolute ability to command the fight. You are looking at young Tony now. Always maintaining what a referee must maintain above all else, perfect position to see thatno undue harm is done, that no low blows go unheeded, and all of the rest.

"Perez has the youth, the swiftness, the knowhow and the strength to execute his job. The judges do better than judges, Tony Castellano and Jack Gordon. Now the ring announcer Joe Bostick.

"MR. BOSTICK:

"This is the headline event on this eveing's boxing program, from Madison Square Garden in New York, the distance is 12 rounds. The principals in this headline event for the evening, coming from Philadelphia at 209 pounds, even, he is wearing white trunks, former World's Heavyweight Champion, Smokey Joe Frazier.

"MR. COSELL:

"The introduction of Joe, who now gets a chorus of cheers from a mixture of vocal disapproval.

"MR. BOSTICK: And Louisville, Kentucky, at 212 pounds, he is wearing white tunks also, wearing white truns, former World's Heavyweight Champion also, Mr. Muhammed Ali.

"MR. COSELL: We will be back for the start of the fight in a moment.

(Pause.)

"MR. COSELL: The bell for round one, the action begins. Frazier's task to stay all over Ali, don't give Ali jabbing room. Ali's task, to stay away, use his most

effective blow, the left jab. If there is any punch in Ali left, it would be in the left hook, the right hand, as you all know is suspect, it has been damaged again and again and again, and there is an apparent bursitis between the knuckles. At the same time as Frazier follows Ali, he must be careful not to do what he did in the first fight, move the right foot ahead of the left. He must angle his approach, as he is doing now, lagging the right leg to give only a slanting shot at the Frazier face.

"Watch these things closely as the fight develops. Ali pulling the shuffle in the first round, and he said he would be doing no clowning. Ali dancing, circling in the main steadily to the left and using the left jab whenever he can.

"Look at Joe: He is lagging the right leg, which is a change of style for him. That enables him to cut off the ring on Ali. Ali has also said in his prefight propaganda that he will not allow himself to languish against the ropes as he did in the first fight. We have a minute to go in round 1.

"Joe working on the body and getting in a left to the body directly above us. Ali with two quick ones to the head, the left and the right in combination, and another left. Note that the continual pursuer is Frazier,

which was the case in the first fight. Ali again with a quick combination, it was a right lead and then the left.

"So he did use the right. 10 seconds left in the round."

THE COURT: Now he is going to ask the witness some questions. Counsel can go over there and the other gentleman can stay here, if you want to until the next round is shown.

BY MR. SULLIVAN:

Q Mr. Perez, in refereeing that fight, did you see any fouls in the first round by either contestant?

MR. SHARFMAN: Objection, your HOnor.

THE COURT: Overruled.

A Yes, sir.

Q By which fighter?

A Muhammed Ali.

Q What were the fouls, if any?

A Holding, constantly holding.

Q Anything else?

A Constantly holding and from the corner.

Q What from the corner?

A Coaching from the corner.

Q Who was coaching?

A The seconds. You Bundini. You could hear his

voice on the television.

Q You could hear his voice on the television? Is that Bundini's voice?

A That's right.

Q Is that Drew Bundini Brown?

A Right.

Q Who is he?

A One of the seconds of Muhammed Ali.

Q Aren't the coaches allowed to -- aren't the seconds allowed to coach?

A According to the New York State rules, they are supposed to be sitting down and silent.

Q Did you see any fouls in that round committed by Frazier?

A No, sir.

Q Any coaching from Frazier's corner?

A No, sir.

MR. SULLIVAN: No other questions for that round. I want to go on to round 2, your Honor.

MR. SHARFMAN: Your Honor, may I reserve my cross examination?

THE COURT: Yes. Until the entire direct examination is concluded, you are not obligated to cross examine.

Now, are you going to play the second round?

MR. SULLIVAN: Yes, your Honor.

"MR.COSELL:

"The bell for round 2. Both fighters in white trunks. You know them each. You don't need any more identification, though for any neophytes who might be watching, as Frazier comes right Ali, trying to do damage immediately, Ali's black trim goes up to the black belt.

"Ali using that left jab as he did in the first fight, the very tactic Frazier had to be sure to expect. The crowd yells when Joe lands a left hook, and he got in a good one to the belly. The crowd remembers the damage Frazier did in the last fight with that left hook, hitting Muhammed often to the stomach and wearing him down.

"Ali has been dancing throughout this fight, on his toes steadily. Dancing is one thing,movement is another. You can't dance for 12 or 15 rounds, as Ali says, there is no way. Clever movement is what you need.

"Ali covering up while Joe flails away, and Ali got in a good right to the head, but the crowd is now, at least those around us, calling for Joe, because

he continues to pursue and to be the aggressor in the battle. We have got a minute left to go in round 2, round 2. Referee Perez separates the fighters. Ali continues to move, as you can see. Joe coming at him, much the same as in the early rounds of the first fight. That was a good right. Joe was staggered there and Joe is backing off for the first time in the fight. He was hurt by that right of Ali's.

"Referee Tony Perez stops the fight and calls for the end of the round, but I didn't hear a bell. Ferdie Pachecco takes out Muhammed Ali's mouthpiece and now Referee Perez calls them back to finish the round. A confusing incident, but that is the way it is. The bell for round 2. As you can see, Ali without his mouthpiece."

Perez v Ali Tk5B p.m.

BY MR. SULLIVAN:

Q Mr. Perez, did you see any fouls by either fighter in that round?

A Yes, sir.

Q By whom?

A Muhammed Ali.

Q What fouls?

MR. SHARFMAN: Objection, your Honor.

THE COURT: He is subject to cross-examination. Go ahead.

Q What fouls?

A Holding, about five times in this round.

Q Anything else?

A Coaching from the corner.

Q Who was coaching from the corner?

A Bundini Brown, one of the seconds of Muhammed Ali.

Q Any fouls on the part of Frazier?

A No, sir.

Q Any coaching from the corner?

A No, sir.

Q Tell us, if you remember, in your own words, what happened at the time that the fight was stopped?

MR. SHARFMAN: Objection. The picture speaks

for itself.

THE COURT: Sustained.

Q Mr. Perez, at the time that you stopped this fight back in 1974 when you were there, if you remember, what, if anything, did you hear at that time?

MR. SHARFMAN: Objection, your Honor.

MR. ELDRIDGE: Objection.

THE COURT: No, I think that you now have the demonstrative evidence here of what was heard and seen, and I will not permit the question in that form.

Q While watching that round, Mr. Perez, how many times did you stop the fighters from fighting?

MR. ELDRIDGE: Objection, your Honor.

THE COURT: Overruled.

A You mean separate them?

Q No, not just breaks. How many times did you tell them to stop fighting and go to the corners?

A One time -- twice, twice.

Q When were the two times?

A The first time, it was about 19 seconds to go, so I was told by the timekeeper, and the second time at the real end of the round.

Q Why did you stop the fight with 19 seconds to go?

MR. ELDRIDGE: I object to that, your Honor.

THE COURT: Overruled.

A Because I heard something.

Q What did you hear?

A I hear what sounded to me like a bell.

Q What happened, if anything, after you separated the fighters?

MR. SHARFMAN: Objection, your Honor.

THE COURT: What is the question?

MR. SULLIVAN: I said what happened, if anything, after he separated the fighters.

THE COURT: You mean with 19 seconds to go what happened?

MR.SULLIVAN: Yes.

THE COURT: Go ahead.

Q What happened?

A They yell from the timekeeping table and somebody say, "That's not the bell, that's not the bell. The round is not over."

So I called them back right away. They were away about four or five seconds, and I put them back to fight and finish the round.

MR. SULLIVAN: Round 3, your Honor.

MR. SHARFMAN: Your Honor, I still object on relevance --

THE COURT: Go right ahead.

"MR. COSELL:

"Near the end of that round just before Tony Perez made the mistake, now in slow motion, watch the early part of the round, Frazier connected with a real good left and Ali will follow with a good right. Watch closely. That's the left. Now Ali right back with the right as Frazier dropped his left after delivering.

"Now this is close to the end of the round and watch for the right that I talked about that backed Frazier off and, indeed, staggered him. Ali sets it up with the two left jabs and there's the right connecting cleanly. Now, watch closely. Joe Frazier backing off for the first time in the fight.

"He was hurt. No question about it. No, it is not for the Heavyweight Championship of the World, but, as I said at the top of the show, curiously, some of the magic of the first fight is here in this crowd, in its anticipation, and I am sure all over the country.

"Quickly Joe came at Ali who is in his own corner, and they are flailing away, and just as quickly Ali scored with a left and a right and a left to the head.

"How much can Frazier take? Will Ali be able to render the punishment that he did the last time, even though

he lost? Since that time Joe took tremendous punishment, six knockdowns from George Foreman and had trouble with Joe Budner over in London.

"But how much can Ali punch? How much can he hurt at this stage of his career?

"A little less than two minutes left in Round 3. I'll tell you this: In the first fight Ali was waving in disdain at Frazier, and he was young. He is living, up to this point, aside from the quick evidence of the Ali Shuffle, by his promise not to clown.

"A roar from the crowd as Joe connected with only a glancing, grazing left to Ali's jaw. Such is the nature of Joe's power in that left hook that the crowd will roar every time he throws it.

"Frazier smiling momentarily in the middle of the ring.

"A minute left in Round 3.

"That's Joe's way of showing his disdain for Ali's absence of punching power, as Joe views it. Hear the crowd yell when Joe threw that left which missed.

"I must say, up to this point Ali has been a master at stopping Joe's left with his gloves. Joe again taking the Ali jab.. Ten seconds left in the third round."

BY MR. SULLIVAN:

Q Mr. Perez, in that round did you see any fouls committed by either fighter?

A Yes, sir.

Q Which fighter?

A Which fighter?

Q Yes.

A Muhammed Ali.

Q What were the fouls?

A Holding.

Q How many times was he holding?

A This round? Four or five times.

Q Anything else?

A Coaching from the corner.

Q Any fouls on Frazier?

A No, sir.

Q Any coaching from the corner from Frazier?

A No, sir.

Q Up until this time, Mr. Perez, in the fight, had you warned Mr. Ali to stop holding?

A No, sir.

Q Had you warned either fighter of anything?

A No, sir.

MR. SULLIVAN: Next round.

THE COURT: How many more of these rounds do you intend to show?

MR. SULLIVAN: I intend to question him specifically, your Honor, on approximately three separate rounds and show the rest of the fight in general, without the specific questions.

THE COURT: All right, we will take the rest tomorrow morning.

Ladies and gentlemen, please make sure not to discuss this case among yourselves or with anybody else. Don't allow anyone to discuss it with you.

Should there be any reference to it in any paper or television or radio, I ask you to put it aside, not listen to it, deliberately close your eyes and ears to it, and bear in mind that you in the courtroom here have the ringside seat and know what is going on in the courtroom and nobody else does, other than those who are right here in the courtroom.

You are not to be guided by or influenced by anything other than the evidence you hear in the courtroom. It would be a violation of your sworn duty to be influenced or guided by anything you see or hear in any way other than what comes from the witness stand or the exhibits in evidence. One of the exhibits that is being played in evidence, of

course, is this television showing.

Please bear it in mind, and remember that you are a federal court jury and are expected to live up to the highest tenets of that obligation. Good night. See you tomorrow morning just before 10:00 o'clock. Please assemble in the jury room and we will start as promptly as we can. There may be a few moments delay because there is another matter that I may have that I may be able to dispose of so that we can start on time.

Thank you very much. You are excused.

(Court adjourned to October 13, 1976 at 10:00 o'clock.)

WITNESS INDEX

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Anthony Perez, Jr.,

-vs- 75 Civ. 1824

Muhammed Ali, a/k/a
Cassius Clay

New York, New York
October 13, 1976--10:05 a.m.

Tkl
Bl
a.m.

(Trial resumed; jury present.)

THE COURT: Good morning, ladies and gentlemen.

All right, Mr. Sullivan, are you ready with your witness?

MR. SULLIVAN: Mr. Perez.

A N T H O N Y P E R E Z, J R., the plaintiff, called as a witness on his own behalf, having been previously duly sworn, testified further as follows:

DIRECT EXAMINATION CONTINUED

BY MR. SULLIVAN:

THE CLERK: Mr. Perez, you are continuing your testimony under oath.

THE WITNESS: Yes, sir.

Q Mr. Perez, I am going to show you two more rounds of the Frazier fight.

MR. SULLIVAN: Does your Honor want counsel in the same position as yesterday?

THE COURT: Yes, they may come to the side bar.

(Court Exhibit 4 is noted and the objection is overruled.)

xx (Court Exhibit 4 received in Evidence.)

(Television tape played.)

"MR. COSELL:

"They have been screaming all night long. Clearly at the moment Ali is dominant. He is scoring with his left and he is throwing the right more than one might have expected and frequently landed.

"This fight is a scheduled 12 rounds. 20,748 people have paid a gross of $1,053,688 here at Madison Square Garden tonight.

"Two minutes left in the 4th round. Those figures are a reflection of the national interest in this bout.

"You are going to see true punching behind me all night. Frazier trying to strike at Ali while in the corner but the blows picked off by Ali's gloves. Still dancing. Remember, he danced, as he put it, for the first four rounds of the first fight. Always on his toes.

"A minute left in Round 4. It is too early totel you, but one does have at least to conjure with the notion that Ali is indeed in much better shape than he was

for their first match, and up to this point he certainly looks better than he did in either match against Norton and against Rudy Lubers in Indonesia. Rudy Lubers, you remember him, a little Dutch heavyweight whom Ali never even threw a right at.

"The end of the round. Back in a moment."

Q Mr. Perez, in that fourth round that we have just seen were there any fouls by either fighter?

A Yes.

Q Which fighter?

A Muhammed Ali.

THE COURT: You don't have to shout. We can hear you.

Q What were the fouls?

A Holding constantly and purposely maintaining a clinch.

Q Was there anything else?

A It was some violations in his corner.

Q What were the violations?

A Shouting and screaming in the corner.

Q By whom?

A By Drew Bundini Brown, Muhammed Ali's second, one of his seconds.

Q That is Drew Bundini Brown?

A Yes, sir.

Q Were there any fouls committed by Frazier?

A No, sir.

Q And any violations from his corner?

A No, sir.

Q I'm going to show you one more round, Mr. Perez, Round 7.

MR. SHARFMAN: If counsel is going to show Round 7 now, I believe he should show the entire fight.

THE COURT: You have the privilege of replaying the entire thing if he plays only selected portions. He can put on what he wants and you can put on what he doesn't put on, if you like.

MR. SHARFMAN: Thank you.

THE COURT: Which round is this?

MR. SULLIVAN: Round 7, your Honor.

THE COURT: We are skipping 5 and 6?

MR. SULLIVAN: 5 and 6, yes, sir.

THE COURT: The defendants reserve the right to play those. Why don't you save time and show this all consecutively. Then you can comment about the rounds that you wish.

MR. SULLIVAN: Your Honor, it is my intention to show a couple of rounds to Mr. Ali also. As long as I

don't prejudice myself I would like to show them to Mr. Ali.

THE COURT: I know, but you've got a witness on the stand and the other side says they are going to show the balance of it. Why don't we take the thing in sequence instead of making it piecemeal?

MR. SULLIVAN: As long as I don't lose my right to show it to Ali.

THE COURT: The right you are losing is the right to waste time.

MR. SULLIVAN: I'm sorry.

(Pause)

MR. SULLIVAN: This is the commercial right after Round 4.

THE COURT: We don't have to hear the commercial. When it gets to the fight again then you turn it up.

MR. SULLIVAN: Yes, sir.

(Television tape played.)

"MR. COSELL:

"You are looking at Joe Frazier's corner, manager Eddie Futch working over him. The only visible damage to Frazier at this time is lodged in the right eye, which is definitely bloodshot. There has been no discernible trickle of blood from the corner of the eye, but it has been the recipient of a goodly number of Ali lefts up to this point.

"Again you see Ali. He's not even sitting down in his corner. Well, he used that tactic against Norton in the second fight. I'm not sure -- that is Drew Bundini Brown -- that is the wisest thing in the world, but it is an evidence of confidence, if the adversary takes it seriously.

"Round 5 is under way. Tony Perez is the referee. Joe scored. He scored with two quick ones to the stomach, the chest and the third to the right cheek of Ali. Looked fresher, looked good in that last exchange in the corner. You heard the roar of the crowd and if you remember the first fight clearly Frazier started to come on strongly in the 5th round. That was a 15-rounder. This is 12 rounds. Watch him, see if Ali drops that right after he throws it, because Frazier took great advantage of that in the first fight with the left hook. Frazier contends that Ali cannot keep his hands up except when he is against the ropes.

B2 "A minute and 30 in the 5th round, a minute and 30 left. You don't want to draw judgments too quickly, but it does seem that Ali is backed against the ropes more in this round than he has been in the prior ones. You don't see the movement in Ali in this round to the same degree that you saw him in the prior four.

"Less than a minute to go in Round 5. And there is Ali wrestling against the ropes.

"Less than 30 seconds in Round 5. Les than 10 seconds. The countdown in Round 5. There it is."

(Commercials played.)

"MR. COSELL:

"Now the bell for Round 6. The action begins. Ali with a flurry, only some of which got through Frazier's gloves. He threw about six punches. Three passed, got through.

"The crowd roared as Joe landed a left hook, but in the interim landed landed two lefts and a right. Joe's been talking to Ali and Ali in the meantime got in a good left and a good right.

"Joe was actually taunting Ali and then got belted. It may be if no greater action happens in this round we'll take a look between rounds at that left and right, because at the moment Joe is taking left after left now and saying, 'You can't hurt me,' in that effect. 'You got no punch,' but Ali with a minute and 30 left in Round 6 has scored repeatedly with lefts and rights up to this point in the round.

"A minute left in Round 6. Thus far a very effective round for Ali, unlike Round 6 in the first fight when clearly he was beginning to run downhill although he did come back in the 9th and 10th in that fight.

"30 second left in the round. Very good round up to this point for Ali. Less than 10 seconds to go in the round."

MR. SULLIVAN: I'd like to have one question of Mr. Perez. I don't think it is necessary for anybody to move.

Q Mr. Perez, were there any fouls by either fighter in that round?

A Yes.

Q Which fighter?

A Muhammed Ali.

Q What foul?

A Constantly holding and deliberately maintaining a clinch.

MR. SULLIVAN: This will be Round 7.

(Television tape played.)

MR. COSELL:

"There's the left, there's the right, perfect combination. One has to wonder about Ali's punch. The boxing skill seems to be there. Up to this point tonight one has to wonder about what would happen if Frazier -- if those punches were Foreman's or Frazier-type punches. He's getting instructions from Eddie Futch. Now he's getting jelly over each eye.

"Actually, Joe's eyes aren't as puffy at this

point as they were in the first fight, just that bloodshotness of Frazier in the right eye and maybe a slight puff.

"This is Round 7 of a scheduled 12 rounds. Joe's hit with the left and the crowd responded to it. They make a din out of the left hook that Frazier scores with. Joe again with a left hook and scoring. Joe forcing Ali into Ali's corner. Ali jabbing in a flurry of combinations, but the crowd now responsive to Frazier's left hook sensing, many of them, perhaps some, perhaps many, and Joe is beginning to come in knowing of his knockout ability. Going down to the midsection to weaken Ali and get him to drop his guard.

"Ali says, 'Joe, oh, don't do that.' Brown -- he could have said several things, 'Don't hold, don't stay in the corner,' or he could mean 'Don't wink at the press,' as Ali did just few secons ago. Referee Perez breaking them up. Ali trying to keep distance now and use his left.

"George Foreman it was who said, 'Ali, after landing combination, should move in and hold to avoid Frazier's counterpunching.' Frazier has always been the kind of fighter who lets you swing at him and then comes back with his blow. You saw Ali after that other combination come in and hold, which is the sensible thing to do. Frazier continues to talk to Ali from time to time in the fight. It is Round 7 with 30 seconds left.

"Perez warning Ali on hitting on the break. Ali still using the left."

MR. SHARFMAN: May I ask, if that is the last round you intend to show?

MR. SULLIVAN: That is the last round I'm intending to show.

MR. SHARFMAN: I see no purpose in continuing the showing.

THE COURT: All right.

Q Mr. Perez, the fight, part of which you have just seen, did you have a bet on that fight?

A No, sir.

Q Were you directed in any way or paid in any way by gangsters for your conduct in that fight?

A No, sir.

Q Mr. Perez, are you a racist?

A No, sir.

Q You are Puerto Rican, are you not?

A Yes.

Q When you returned to New York, and I direct you specifically to the first week or two after the showing of the Wide World of Sports show, did your --

THE COURT: What period of time are you talking to. I assume the Wide World of Sports is on in each year.

MR. SULLIVAN: Yes, your Honor.

THE COURT: What year are you talking about?

MR. SULLIVAN: Yes, your Honor, I'll withdraw it.

Q Mr. Perez, after the showing of the Wide World of Sports show with the interview --

MR. SULLIVAN: I'll withdraw it, your Honor. I'll show it.

THE COURT: Well, I'm asking for: Are you talking about 1974 or 1975 in March or what period of time are you talking about?

MR. SULLIVAN: I had to show it, your Honor.

B3 THE COURT: All I'm asking is whether you are talking about 1974 or 1975 in March or what period of time you are talking about.

MR. SULLIVAN: I will have to show it, your Honor. I think it would be a better idea to show it now.

THE COURT: Can't you tell me what year you are talking about?

MR. SULLIVAN: I'm talking about right after the interview between Muhammed Ali that concerns this case in 1975.

THE COURT: March of 1975?

MR.SULLIVAN: Yes, your Honor.

THE COURT: All right.

Now we have defined it. It is in March of 1975 after the Ohio fight; is that right?

MR. SULLIVAN: Yes, your Honor.

THE COURT: That goes into a new subject.

MR. SULLIVAN: Yes, your Honor.

THE COURT: All right, go ahead.

MR. SHARFMAN: May I request that the entirety of the program be shown, your Honor?

THE COURT: You can show anything that is left out.

MR. SHARFMAN: Please note my objection.

MR. SULLIVAN: You mean the whole fight?

MR. SHARFMAN: Yes.

MR. SULLIVAN: I'll show the whole fight, your Honor.

THE COURT: Which fight? Is that March 24?

MR. SULLIVAN: Yes.

THE COURT: March 24, 1975?

MR. SULLIVAN: Yes.

B4 (Television tape played.)

"MR. COSELL:

"Muhammed Ali is in the ring to defend his heavyweight title against a man named Chuck Wepner. We are

in the Coliseum, which is the right name for the place, as gladiators of old fought in the Roman Coliseum. Everybody is expecting Ali to eat up Chuck Wepner. The atmosphere is circus-like.

"Now begins some of the circus atmosphere. Al Braverman, Wepner's manager, pushing Wepner against the ropes as Ali begins his old movie routines to taunt the challenger.

"Back in his own corner shadow boxing. His corner will be tenanted by Drew Bundini Brown, Angelo Dundee, Dr. Fred Pachecco and Louie Salea.

"Now the introductions of the once great Heavyweight Champion of the World, Joe Louis, then we have Don King, the promoter of the fight. Now Ali is clowning, presumably sparring with with Joe Louis. If the two had been able to meet, each in his respective time, it might have been some battle. Now there is affection and good fun.

"Now the introduction of another former champion who has beaten Ali once and lost a fight, Joe Frazier, and Frazier is in superb trim. This is after his recent easy victory over Jimmy Ellis. He gives his good wishes to Chuck Wepner and manager Al Braverman and then goes over to wish Ali luck, but Ali won't let it stop there, taunting Frazier there 'Now don't go too far,' says Frazier.

"He shows he's in good shape and takes off his jacket. This is the way it is in the Cleveland Coliseum."

"MR. COSELL:

"Hello again everyone. I am Howard Cosell. Today another step in the saga of the unpredictable Heavyweight Champion of the World, Muhammed Ali, his Heavyweight Title defense of last Monday night in the Cleveland Coliseum against a relatively unknown challenger named Chuck Wepner.

"It was labeled in advance a classic mismatch. Wepner, perhaps the biggest underdog in boxing since Johnny Pachecco fought Joe Louis when Louis was running his Bum of the Month Club.

"We are not going to sit here and tell you it was a great fight. It was nothing of the sort. But I will tell you this: There were moments of interest, and out of it emerged controversy, the kind of controversy that seems always to evolve whenever Ali steps within the four corners of the ring.

"So we are going to do two things on this show today, first we are going to show you that fight.

"Second, with Ali here it is my guess we are going to hit the controversial issues head on. You will also meet Chuck Wepner too.

"Now, I was not at the fight, though I covered the way -- in live the day before. So, here and now, I

will call the fight for you as I saw it on the television screen.

"That's the scene set in the ring just before the bell. Ali's mouthpiece being put firmly in by his trainer Angelo Dundee. Ali sang his prayers to his God as is always the case when he fights. Wepner, in red, white and blue trunks at 225, Ali in the white trunks at 223 and a half scoring on a 10 point plus system, voting being done by the referee, Tony Perez and two judges.

"The action begins. Ali quickly dancing, circling to the left, then back, as you can see, to the right, back again, not even seeking, thus far, to strike a blow.

"Wepner, the pursuer, looking to get at Ali. Ali quickly against the ropes, and just as quickly off them. Still hasn't thrown a punch. This kind of tactic can mildly captivate a crowd in the beginning, once it is seen that Ali could move this way endlessly.

"There you saw him with his little tricks using the feet and the crowd reacting. He fought this way in his second fight against Patterson for four rounds, never even deigning to throw a punch, then he started work on Floyd.

"Ali against the ropes. Wepner flailing away.

The rope tactics became a dominant theme of the fight against Foreman. The rope tactics worked against Foreman as George punched himself out, but in the first fight against Frazier the rope tactics cost Ali dearly.

"Wepner looking to get at Ali. Missing there, as you can see, and missing again. First a long right, then a long left. Ali covering up the gloves in front of the face and a quick complaint to Tony Perez about an alleged rabbit punch by Chuck Wepner as Wepner, working to the back of the head, again on the head. A rabbit punch.

"Back in the '20s Jack Dempsey knocked out Bill Brennen with a rabbit punch, and presumably the rabbit punch has been outlawed every since.

"It is Wepner again to the back of the head and again, Ali pushes him off. Ali has done no punching whatsoever in this round. There, Ali responds in time, feeling he has had enough of the rabbit punch. He used it himself, four, five, maybe six times in a row. Ali motioned, touching the back of his head.

"Look at that, his arms thrusting off Tony Perez, Perez warning Ali even as he had warned Wepner early, so the whole action in the first round has been in the form of rabbit punches.

"Ali in the corner covering up. Ali not even paying

attention to the adversary, Wepner, but complaining again to Perez about the rabbit punch and Perez again cautions Wepner as the countdown continues towards the end of round 1.

"Hardly a polished exhibition of boxing, is it? Instead, constant complaints by Ali over rabbit punching, and Ali's use of the rabbit punch himself.

"The end of round 1, the bell strikes. Perez separates the fighters, Ali winds up the round, again complaining to referee, Tony Perez. Wepner in his corner, and it is about time we took a look at those rabbit punches in slow motion.

"First Wepner with Ali against the ropes. You saw that over the head and behind the head on the neck. There is another, Wepner connected. Now pushed off by Ali. Ali covering up. There it is. That's the quick flurry of return rabbit punches by Muhammed Ali. Round 1."

BY MR. SULLIVAN:

Q Mr. Perez, in round 1 of the Ali-Wepner fight that we have just seen, did Wepner throw any rabbit punches?

A Yes.

Q Did Ali throw any rabbit punches?

A Yes.

Q In your opinion, sir, whose rabbit punches were more damaging?

MR. SHARFMAN: Objection, your Honor.

THE COURT: Sustained.

Were they fouls, were the rabbit punches fouls?

THE WITNESS: Yes, sir.

THE COURT: How many times can a man be rabbit punched before you disqualify him under the Ohio law?

THE WITNESS: There was no Ohio law. We were running the rules of the New York State because they had a former commissioner there.

THE COURT: You are saying there was no law that governed the fight?

THE WITNESS: I said there was no law made in Ohio. It was governed by the New York State Athletic rules to fight in Ohio.

THE COURT: Simply put, did the Ohio Commission rules govern this fight, or didn't it?

THE WITNESS: They didn't have any. They just didn't have any laws. They told me this fight is going to be ruled like it was in the New York State rules.

THE COURT: Who told you that?

THE WITNESS: The Commissioners there, the Commission that they formed there two weeks before the fight.

THE COURT: They didn't have any rules about fighting,

is that it?

THE WITNESS: They didn't.

Q Mr. Perez, do I understand from his Honor's questions that you were told to follow the New York State rules to govern this fight, is that correct?

A Yes.

Q Under the New York State rules, you testified yesterday, I believe, rabbit punching is a minor foul?

A Yes, sir.

Q Kidney punching is a minor foul?

A Yes.

Q Poling is a minor foul?

A Yes.

Q What kind of a foul is unsportsmanshiplike conduct?

A A major foul.

Q Did you, sir, see any intentional rabbit punching by Mr. Wepner?

A No, sir.

Q Did you see any intentional rabbit punching by Mr. Ali?

A Yes, sir.

Q Under the rules, Mr. Perez, if you were going to take away points for rabbit punching, when would you do it?

A I could do it any time, especially when is intentionally.

Q When is it that you go over to the judges and tell them that you have taken points away?

A After the end of the round.

Q Other than the rabbit punching by each fighter, did you see any other fouls by either fighter in that round?

A Yes.

Q What?

A Muhammed Ali holding.

Q Can you describe to me how he was holding?

MR. SHARFMAN: Objection.

THE COURT: I will let him describe it.

A He was holding the man down and pinning his head down. Naturally, the man has to throw -- like he suggested, he threw roundhouses, so actually sometimes accidentally he hit him over here (indicating).

THE COURT: What were you doing while this was going on?

THE WITNESS: I was trying to break them apart. I told the man to keep off holding. I was talking to them all night long. That was one of the hardest fights I ever worked.

Q Mr. Perez, isn't it a fact different fighters have different styles?

A Yes.

Q Would it be fair to say that Muhammed Ali, when he fights, moves around the ring much faster than any other fighter?

A Yes.

Q Does that make it difficult for the referee in that he has to be constantly getting out of the way of the fighters and moving?

A Yes.

MR. SULLIVAN: Thank you.

(Tape being played.)

"MR. COSELL:

"It is about time we took a look at those rabbit punches in slow motion. First Wepner with Ali against the ropes. You saw that. Over the head and behind the head on to the neck. There is another, Wepner connected. Now pushed off by Ali. Ali covering up. There it is, that's the quick flurry of return rabbit punches by Muhammed Ali, round 1.

"Now, you are looking at Chuck Wepner in the red, white and blue trunks at 225 pounds, Ali forward in the center of the ring to meet him, Ali at 223 and a half.

"The first round was a recital of rabbit punches and complaints to the referee, Tony Perez, by both parties, most particularly Muhammed Ali. There is the tactic used against George Foreman.

"Ali against the ropes. Wepner flailing away. Wepner said at the way -- in that he hoped Ali would use this tactic, that he won't punch himself out like Foreman. He said I will surround the Champion, whatever that means.

"In the meantime, that's a familiar pose now for the Ali of recent past. Ali covering up. He has done very little fighting thus far. Ali with the rabbit punch, Perez warning him. So far Ali is devoting more attention to Tony Perez than he is to the opponent, or so it seems.

"Ali and that coverup posture that he so familiarly adopts so often. Wepner unable to get through, except for occasions. Wepner with slow hands, and he is a slow-footed man too, who gained his principal fame as the Bayonne Bleeder, perhaps the only man in boxing history to bleed more than Henry Cooper Brinton who became a test tube case. Ali foight Cooper twice, of course, in Ali's career.

"Oh! A good quick right by Ali there, his first real punch of the fight. Chuck Wepner flatfooted, pursuing Ali, trying to do some damage as Ali is against the ropes again doing nothing.

ewrf 10 Perez-direct

"Against Foreman, Ali showed very little offensive, except in the final 40 seconds of each round, until finally he did away with Foreman.

"This is round 2.

"Referee Perez separating the fights. Ali with a quick left that missed, and a right that connnected. There is a good left by Muhammed, a good left by Ali, hands too quick for Wepner's defense.

"Note where Wepner keeps his right. A good, quick right by Ali. Wepner's right is too low and not quick enough to be brought up to defend against the Ali left.

"There is the left again. Now in the late part of round 2, Ali is scoring consistently. Well, a right while Wepner misses that right. That is it for round 2.

"Wepner in his corner. The man who had over 300 stitches in his face. I have already referred to him as the Bayonne Bleeder. Surgery three years ago hopefully has reduced the capacity for bleeding in the area of the eyes.

"Ali is 33 years of age now. Years have flown by. He lost three and a half of the best boxing years of his life. Of his 145 fights in his career, lost only two, once to Frazier, once to Norton. In each case he came back with a victory over each of the others.

"Wepner is 34, and he has 32, 9 and 2 in his record, his career record, a liquor salesman who has often been called a moonlighter in boxing with sincerity and with dedication and with courage, because it takes courage to fight Ali. Indeed, it takes courage just to go within four corners of him.

"Tony Perez trying to separate the fights. Ali looking over to the corner listening to somebody. So far, he hasn't really paid much attention to Wepner, other than to complain about Wepner's rabbit punches. That was in the first round you will remember. Much of the rest of the time he spent moving and then covering up and then using the ropes.

"There go the rabbit punches by Ali. Again, a warning from Tony Perez. Ali saying don't warn me, Wepner started. A block in the lower right corner of this screen tells the countdown of this, the third round. An active night for Perez, more active than for the fighters thus far. A good left by Ali. The left gets in there again. His hands are much too swift for Chuck, so that what blows are truly registered -- while Chuck is flailing away there he is not connected -- are registered by Ali.

"Ali, of course, has an 8 inch reach advantage

on Wepner. That's a lot, especially when you have got the swiftness of hands that Ali enjoys.

"Third round action a quick left, a right, another left and a right and still another left by Ali, all in quick combination while Wepner's hands are low and the arms are heavy.

"As you can see, we are coming close to the end of round 3, what blows there were scored by Muhammed Ali against Chuck Wepner. Here is the end of round 3, Tony Perez separating the fighters. You hear the sound of the bell.

"In most of these stations you will find Chrissie Evert, the next superstar of women's tennis, and she will tell you all about her romance about Jimmy Conners and will talk tennis to you.

"Round 4, Wepner in front of you in the red, white and blue trunks.

"Eyes beginning to get red; the face, a little puffy. You can see Ali is beginning this round with more action than he showed in the prior three, in the early going of each of those three rounds. He is connected with a couple of quick lefts here and has no difficulty at all in scoring with the left, and with the right too, for that matter.

"Back to the rope tactics which you are watching now. The ropes are a beautiful thing, Muhammed said after the Foreman fight. He did not have those sentiments after the first Frazier --

"Tony Perez has had the most action tonight as he comes into your vision there again, separating the fighters. Perez is no stranger to Ali, although Ali has been complaining to him all night about Wepner's rabbit punches. Perez refereed the second Ali-Frazier fight, won by Ali, and it was then that Frazier and Eddie Futch complained about Perez for allowing, they said, Ali to hold.

"Of course, Perez worked Ali's first comeback fight against Quarry in Atlanta, Georgia. Ali emerged from three and a half years of enforced retirement.

"In this, the fourth round, Ali has been peppering Wepner with the left, as you saw that, almost at will. Interesting too, that Perez was a late replacement

to referee this fight for Pete Radamacher, the old Amateur Champion who lost to Floyd Patterson back in 1957.

"Perez again sepa/ating the fighters. There is another rabbit punch by Chuck and another complaint by Muhammed.

"The thing is absurd, isn't it? Look at Ali talking to Perez, warning Perez.

"At this moment Perez would seem to be Ali's adversary more than Wepner. Ali, by his own admission, came into this fight overweight, out of shape, hadn't trained for it. A couple of weeks back he was appearing at the United Nations, and then after that, a charity for the Special Olympics in Washington, D.C. He couldn't find him at his Deer Lake Training Camp. He came into Cleveland a week or so before the fight, and has been running and working hard since.

"We are awaiting the end of round 4, a quick flurry there by Ali. That is it, the end.

BY MR. SULLIVAN:

Q Mr. Perez, just one question, why, sir, were you a late replacement for Pete Radamacher in this fight?

MR. SHARFMAN: Object.

Q If you know.

THE COURT: Sustained.

Q Who was the first referee chosen to referee this Ali-Wepner fight?

MR. ELDRIDGE: Objection.

THE COURT: It is irrelevant, sustained.

Q Did either one of the fighters challenge Pete Radamacher as the referee of this fight?

MR. ELDRIDGE: Objection.

THE COURT: Same ruling.

(Tape played.)

"MR. COSELL:

"There is the bell for the start of round 5,being attended to by his manager, Al Braverman, Ali listening, if that is the word, to 'Drew' Bundini. He doesn't really listen to anyone. He fights his own fight his way against any opponent as he did against George Foreman.

"A quick right by Ali holding his left down at his side as you see, dragging it. Another quick right by Ali, just using the right again, getting it in there, over Wepner's gloves. Another right by Ali, the left down at the side, then Ali against the ropes with Chuck unable to score.

"People are wondering when Ali is truly going to reach in offense and begin the right.

"Almost makes you wonder if something has

happened to the left. Oh, there it is. No, nothing happened. Three in a row, two of which connected. One to the mid-section, another right to the face. Wepner unable to defend.

"It's a right lead by Ali. There is the left. A little more than half the round over as you can see by the countdown in the lower right-hand corner of the screen. Now ali moving. Ali with the current capacity to score at will against Chuck Wepner. Most people are wondering when he will take Wepner out.

"That left keeps getting in there. There he is on his toes showing movement. Ali having a very simple time of it in this round. Again, I am reminded of his two fights against Floyd Patterson. In a way, Ali has treated Wepner thus far with the ugliness of all weapons, ridicule, tormenting, showing how he easy he is to hit, staying out of reach.

"Wepner unable to get to him at all. Almost like a grade school boxing lesson. Chuck heavy-armed.

"We're coming to the end of this, the fifth round. Ali now against the ropes covering up, against Chuch Wepner."

MR. SULLIVAN: Your Honor, I don't think there will be any objection to my stating that the Wide World

of Sports program did not show round 6, and that's why we don't have a tape of round 6, and so, we will skip round 6 and go to round 7.

MR. SHARFMAN: Is there some in-between-the-rounds highlights?

MR. SULLIVAN: I don't know, I will play it.

"MR. COSELL:

"Chuck, heavy-armed. We're coming to the end of this, the fifth round. Ali now against the ropes covering up against Chuck Wepner."

THE COURT: I have the plaintiff's note which is marked Court's Exhibit 5 and there is no predicate for the claim attempted to be asserted in the light of the testimony thus far placed in the record by plaintiff to the witness Morris.

"MR. COSELL:

We are awaiting the bell for the start of round 7, round 6 was a bad one indeed. Not worthy of being seen. In round 6 Ali did absolutely nothing, laid against the ropes, laid in the corner while Wepner, heavy-armed and without crispness of punching power, flailed away. Round 5, for that matter, was an interesting one in the sense that Ali postured his way through the whole round. At the start, not even deigning to use the left, but

only the right. Then coming up with the left and trying with Wepner, as he showed the apparent capacity, to score at will, and made one wonder when he would seek to end this fight.

Now, in round 7, Ali is beginning by showing more than he did in round 6 when he showed absolutely nothing. There he is in the corner again covering up. This was his exact posture through two minutes of round 6. Wepner, as you can see, still can do no damage to him. Although a big man, Wepner is not a big puncher.

"Wepner seemed almost close to falling a moment ago, of his own volition. He is beginning to tire. Ali keeps working now on the Wepner face with the quick left for which Wepner has no defense, and Wepner's face begins to get messy. Look at that left get in there. Remember more than 300 stitches have gone into that face. As Wepner comes in after Ali, he pays for it with still another left to the face.

"I mentioned Wepner's record of 32, 9 and 2. Seven of those nine losses were stopped because of cuts. Wepner has never been knocked off his feet, given that. Ali with the left. Ali on the toes dancing a little bit. A far cry, obviously, from the Ali who surprised George Foreman and the entire world last October in Zaire.

There is blood over Wepner's left eye.

"A quick flicking left and then a right, always to the head, another left and still another. Ali picking off at Wepner, almost at will.

"Look at that! Target practice for Muhammed Ali. This is seventh round action. Ali against Wepner. Blood coming out of Wepner's eye. The end of round 7. You have to wonder when Ali is going to do the job --"

"Give the others to Ali, at least that's the way I have seen it, up until this point. Now we begin round 8. They have prepped the Wepner eye, at least momentarily, but that first Ali left was right to that eye. Remember all the pre-fight brouhaha, Ali saying he won't even punch Wepner in the face, certainly not adhering to that; not tonight anyway.

"All of his punches, or almost all of them, have gone to that eye as the left flicks in again. Wepner clumsily pursuing, unable to do anything.

"Round 8, Ali against Chuck Wepner. Left eye continues to swell. Wepner having vision trouble out of that eye. Perhaps the high point in the action thus far has been the first round with the many rabbit punches thrown by each fighter and the constant complaints, especially by Ali, in the direction of the referee, Tony Perez.

Ali dancing out of a corner and flicking the left at Wepner, unable, with that wide right, to even reach Ali. Look at the left get in.

"Again, round 8, as the clock counts down. Less than half the round to go. Ali scoring at perfect will now with the left hand. Always the left has been Ali's best. In his younger years he took virtue with that straight right, though. That is what he used most effectively in September of 1966 in Frankfurt.

"A great right. With the way Wepner's left eye looks now, wonderment begins when and if Tony Perez will stop the fight. There is no one encouraging Wepner. There is a want of skill approaching the end of round 8, completely dominated by Muhammed Ali. Still Ali has not done away with the opponent. Most people expected it to have ended long 'ere this.

"Ali dancing and swinging with the left. Again, Wepner hits, the head snaps back. Coming up to the end of round 8; overwhelmingly Ali."

BY MR. SULLIVAN:

Q Mr. Perez, just one question.

Do you recall, sir, if, at any time in this fight, Mr. Ali was knocked down?

A The whole fight?

Q Yes.

A Yes, he was knocked down.

Q What round?

A Round 9.

(Tape played.)

"MR. COSELL:

--"thus far has demonstrated two things, the art of rabbit punching and the fact that Ali is toying with his opponent. Quickly, Ali goes to work with that left that has made a mess of Wepner's left eye and a mess of his nose and the flesh under each eye. Ali scoring, as we noted, in the last round virtually at will. The crowd in the Coliseum wondering when will Ali put him away out of his 45 victories, 32 by knockouts.

"Now, Ali is back in his ropes posture covering up. Wepner unable to do any damage. Perez separating them. The left speaks for itself, in there, to use the old cliche, like a snake's tongue.

"Wepner after Ali is against the ropes. Wepner unable to score. Ali simply using Wepner's face as a kind of punching bag.

"Less than half of round 9 to go. Ali slid that punch by Wepner, as you saw.

"Oh! Ali down, apparently from a right just below

the heart. Ali obviously not hurt. But Ali apparently knocked down by a right just below the heart. This has to embarrass Muhammed Ali who pulled one of the great boxing upsets in history when he knocked out George Foreman in the 8th round of their titled bout when he was an underdog.

"Now against the Bayonne Bleeder, Ali has gone to the canvas. Clearly he wasn't hurt, but clearly he was embarrassed and momentarily stunned. Inspite of his dominance throughout the fight, Ali can't be happy about the way it is going. He has to have the pride of all of the years and the reputation as one of the all time great fighters, and now he was irritated, you can see it in the way he is going after Wepner as we approach the end of round 9. He is really going after Wepner now for the first time in this fight, he is throwing lefts, repeatedly, and with a grim look on his face.

"The bell ends the round. We will have a look at that knockdown in slow motion. Muhammed Ali on the canvas in the ninth round, would you believe, against Chuck Wepner. Here it is in slow motion. Now watch, there is the right he had hit apparently just below the heart, and Ali apparently off balance went down, not the least

bit hurt, but utterly embarrassed.

"Let's look at it from another angle.

"That is the picture, a little twisted as you saw there, a little off balance, and there was enough in the Wepner punch to put Ali down.

"Now we see Ali as we await the start of the 10th round, Bundini talking, Dundee talking to him and Angelo has to be embarrassed by what happened to Ali.

"Quickly Ali goes at Wepner as we start the 10th round action, the quick Ali right and the left and the right combination. Wepner's face is getting messier and messier, if that is possible, the left eye now -- after being floored in the 9th round.

"Remember, this is not the Ali of 1966 and 1967 who breezed through opponent after opponent. This is a 33-year old Ali who wanted an easy fight in the wake of his greatest victory over George Foreman and who did little or no training for this.

"The 10th round action. Most figured it wouldn't last five. Wepner appears to be staggering a little there by the left and he was off balance too. Ali is going repeatedly to the head. A little change in crowd reaction. Ali, the overwhelming crowd favorite when the fight started. Look at Ali, he's trying to get to Wepner, but that trip to the canvass, that thing has changed the crowd. The crowd loves an underdog anyway.

"Like a story from Greek myths, Chuck with Ali on the floor. They will talk about this in the Jersey bars for years. Chuck will come in to sell the liquor and he will say, 'Remember the night I fought Ali? I had him on the floor.'

"But Ali is punching away constantly getting Wepner's face. It is astonishing to me that Wepner hasn't bled more than he bled up to this point, even granting the cut over the left eye and the eye which is now a slit one would have thought that more cuts were opened. The surgery three years ago obviously had a major degree of success.

"Coming down to the end of the round, Round 10, Ali dominant but unable to put Wepner away."

(Commercials played.)

"MR. COSELL:

"Chuck Wepner's right eye has a cut, the left eye is still open but it is as I already said, a mere slit. Wepner's face is in bad shape.

"Round 11, the action. One knockdown in the fight, called a knockdown officially by Tony Perez, came out of nowhere. Ali's feet might have been off balance, but a right hand just below the heart appeared to have put him down in the 9th round. He was up almost immediately, maybe in a count of 3 or 4, but he had to take the mandatory 8 counts.

It was thought a knockdown. He then really tried to lay into Wepner and seemed to succeed, but he couldn't put Chuck down and resumed his picking Wepner's face apart.

"In the 11th round of this fight in which Ali has been, on the one hand completely dominant, and on the other hand, a disappointing performer in that the Heavyweight Champion is going this far with the likes of Chuck Wepner. It doesn't make a lot of sense, does it?

"This much must be reitereated where Chuck Wepner is concerned. He has never been off his feet, never knocked down. His courage is unquestioned.

"The left of Ali gets in there again. If you get enough of those -- again, yet Wepner doesn't go down.

"In a way this too reminds me of the fight against Melvin Mildenburg in September of 1966, when Joe Louis, sitting next to me at ringside as Ali ripped Mildenburg and ripped him but didn't do away with him until it was the 12th round and Joe Louis said, 'He doesn't have the killer instinct.' Either that, or Ali and his punching capacity has been dimmed in the years in terms of knockout ability. Either that, or Ali just can't put a guy away. And, yet, there was George Foreman down on the floor, counted out, after a flurry of combinations in the 8th round.

"Wepner hasn't gone down yet. Ali is doing all

of this -- Round 12 is still another practice session for Muhammed Ali."

MR. SULLIVAN: Round 12 was not shown and therefore it is not on this tape.

(Commercials shown.)

"MR. COSELL:

"Ali in his corner standing. The bell for Round 13, Round 12 a closer round than those preceding it, but Ali seemed to let up in the frequency of his punching. But Ali totally is the man. One knockdown in the fight, remember, with Ali. That was in the 9th round when Ali, backing off, with his feet possibly twisted, was hit by a right just beneath the heart and went down. He wasn't the least bit hurt. He had to take the mandatory eight. The embarrassment had to be acute.

"Round 13. Chuck Wepner never off his feet in any fight as yet has yet to be put down by Ali. Just lumbering around the ring. That is all Wepner is doing, in a kind of blind pursuit, occasionally getting Ali against the ropes like this.

"Ali, the man who wasn't going to hit Wepner in the face, or so he said before the fight. Look at Chuck, completely off balance after missing a wide right.

"Ali has been working over Wepner's eyes all

night, totally at variance with the pre-fight plan. Round 13. Hardly a memorializing fight, this one, when it's over.

"You have to respect Chuck Wepner, have to respect his evident courage as Ali tortures that face. Ali, as always, is utterly unmarked. It is incredible, all the years Ali has now been fighting. Wepner is the older man and Ali is 33. The end of Round 13 is coming up.

B2

"You see those big fists, those quick fists of Ali getting in there, first the left and the right and again and the blood pours out of Wepner's face in the usual late flurry as Round 13 ends, the flurry by Ali.

"Wepner at this moment is really a tired, cumbersome fighter. These slow motion shots will reveal his futility, and you see the miss and the loss of balance."

(Commercials shown.)

THE COURT: Is there much more to this?

MR.SULLIVAN: Two more rounds, your Honor.

THE COURT: I think the least you could have done was to have gotten this material blocked out so that we had a continuous run here.

MR.SULLIVAN: It would have looked like we cut the tapes, and I didn't want to give the impression that it was doctored.

THE COURT: All right.

(Television tape played.)

"MR. COSELL:

"Chuck Wepner in there over to Muhammed Ali. Round 14 coming up. To the disbelief of most, yes, Round 14. In Round 13 Wepner was just a bloody mess flailing away, impotent at this point, unable to punish Ali in any sense, blindly going after Ali and taking more and more punishment to the face as he did just there in the early going of Round 14. Look at those fists going into Wepner's face again and again. The blood on Ali's white trunks, the blood of Chuck Wepner whose both eyes now are just an ugly mess.

"Wepner will not go down or has not gone down. No word then about the blows behind Ali's neck in the first round. They were the whole story.

"At 223-1/2 and without training, although Ali is unmarked and completely dominant, he himself has to be a little bit tired and a little bit soft. You don't prepare for a fight, any fight against any opponent with press conferences at the United Nations and in television appearances with Barbars Streisand, but that is the way Ali trained for this one.

"Wepner has never had to go this far in his entire career of fighting, but Chuck really trained for this fight. He put everything he nas had into it. Not nearly

enought, obviously. Whatever he had to give he has given. One other time I saw Ali come into a fight in this bad shape. That was before the first fight against Kenny Norton in March of 1973 in Santiago. Ali vowed he would never again, after losing the match, go into a fight in such bad shape, but he violated that vow in this one, I'll tell you that.

"Look at Wepner's face. It is just incredible. This is Round 14 and still Wepner is on his feet.

"You know, in a strange way Wepner can be a reminder of the kind of facial beating that George Chuvalo used to take so often when he was an active fighter, and Chuvalo, like Wepner, wouldn't go down.

"Rocky Marciano once told me, the late Rocky, that 'If fights were more than 15 rounds long Chuvalo would be unbeaten.'

"Look at the right. The end of Round 14. Round 15 coming up. What a beating Wepner is taking. Wepner falls heavily into his stool. There is nothing they can do to help Wepner at this point. Ali's head is resting.

"I think we should take a look at what Ali gives Wepner here in slow motion in the 14th roud. A left goes -- Wepner misses. Look at that right. The left. Ali's right to that face, right to those eyes, again the left and the right. Look at Wepner."

Q Mr. Perez, did you hear Mr. Wepner testify? Did you hear that you asked him if he was all right in the 15th round? Did you hear Mr. Wepner testify? Did you hear him say that yesterday?

MR. SHARFMAN: Objection, your Honor.

THE COURT: What difference does it make whether he heard it or he didn't hear it?

A I heard it.

Q Mr. Perez, did you in the 15th round of this fight ask Mr. Wepner anything?

A No, sir.

Q When he went down, in this upcoming round, what, if anything, did you say to him?

MR. SHARFMAN: I object, your Honor.

THE COURT: You may answer.

A I didn't say nothing. I just stopped the fight. He was trying to get up.

(Television tape played.)

"MR. COSELL:

--"in 1971 winning a 15-round decision in one of the goriest fistic battle of all time and I think you could count on the fingers of one hand who expected this fight to be still alive in the 15th round, but we are at the 15th round and quickly Ali goes out. I think it is

apparent Ali wants the knockout, not the decision, still undoubtedly inwardly embarrassed by the fact that he is the one that went down in the 9th round.

"He keeps going to Wepner's face, scoring again and again and not saying -- Ali is protecting the back of his neck against the Wepner rabbit punch, but there is no -- no complaining now to Referee Tony Perez. Perez is forgotten at this stage.

"See that quick left come up from the hip to Wepner's face, the left again and again and again. At this point it is possible that Wepner's record of never being knocked down will last the 15 rounds through the final round. There couldn't be anybody with any doubt about the decision in this fight. Having watched Ali at one stage of his career torture Ernie Terrell and at another stage Floyd Patterson I can wonder if Ali is doing that to Chuck Wepner.

"Down in the final round, that right, another left, another right. Then Wepner is staggering. He can't stand up. He can't -- now he's up again but he's just a

B3 sitting duck for these blows. Wepner is -- somehow he remains on his feet. There he goes. There he goes. Wepner is down for the first time in his career. He can't possibly have too much idea where he is and Tony Perez stops it with just seconds left in the fight. Tony Perez says Wepner has had

enough. Down for the first time in his career, almost falling to the floor as Al Braverman seeks to lead him to his corner.

"Muhammed Ali the winner going away on a TKO, if that is what they want to call it, in the 15th round.

"Let's look at that final flurry again: The left and the right and in combination and then two more and look at Wepner staggering, almost fell over there, regained the balance against the ropes, defenseless, Ali all over him. Ali now about to finish him. There goes Wepner, that's right, put him to the canvass. Ali won it.

"That was last Monday night. This is Chuck Wepner, the man who was beaten by Muhammed Ali but who in the process manifested great courage and, of course, retained his personal reputation.

"Chuck, what are your afterthoughts now about the fight having been in this against Ali?

"MR. WEPNER: Of course, Howard, he's a great champion and if I had" --

THE COURT: Is this relevant to this case?

MR. SULLIVAN: This is the two interviews.

"Many people consider him to be possibly the greatest heavyweight that ever lived. I wish that the fight had been a little more active on his part. Possibly maybe if he had fought me the way he said he would, the thing

on the ropes -- I was doing very well then. I couldn't outbox him and he was a little too fast for me. If I ever fought him again I'd like to fight him on the ropes. The ref comes breaking in.

"MR. COSELL: Is that the only regret?

"MR. WEPNER: That is about it. I appreciate the chance of fighting. I would like another shot at him. I'd be working my way up through the contenders to get it.

"MR. COSELL: What was the reaction of your children and your wife after seeing you get mauled?

"MR. WEPNER: My wife doesn't like me to box. She is a nervous person. But the cuts really weren't bad, Howard. I had three cuts and a total of 19 stitches. That is not really a lot of stitches. I get more stitches in that sometime shaving after a rough night out with the boys, so, you know, it is -- none of them were deep. They were all superficial, and the doctor tells me in a few weeks I'll be as good as new.

"MR. COSELL: You still think the fight should not have been stopped?

"MR. WEPNER: Definitely. The first time in my career in 11 years that I was ever down and I was all right. [illegible] me if I was all right and I said I was. I thought at the time that it was 22 seconds to go at

the time, and then he moved out to the center of the ring. He waved the fight stopped. He said that my eyes were glassy. I was tired, but I had all my senses, I knew where I was.

"MR. COSELL: Thank you, Chuck. In a moment I'll be joined by Muhammed Ali."

(Commercials played.)

"MR. COSELL: And now as you can see, sitting with me in the studio, the Heavyweight Champion himself, Muhammed Ali. Let's get to the nub of the matter, quickly, Champ. Do you think really that if you had pushed yourself you could have knocked Chuck Wepner out in the first two or three rounds?

MR. ALI: Probably could have, but it wasn't for sure. He'snever been really knocked out. That was the first time I understand he was kncoked down in his whole career of a hundred and something fights. But I could have tried and probably I would have gambled because if I didn't knock him out, I would have tired myself out. When you're going 15 rounds, it's best to pace yourself like I did.

"MR. COSELL: Second question. I got a feeling during the fight that you were posturing that you were toying with him. Indeed, in some respects, almost tormenting him, and I likened it, as you heard, to, perhaps, one of your fights against Patterson and your fight against Terrell.

MR. ALI: Well, call it what you may, that was my stule that night -- was tostick him and move, lay on the ropes -- uh, wear him down and then, after I seen my opportunity, like I did in the fifteenth round, go get him. But that all had to be done to make the fifteenth round possible.

"MR. COSELL: All right, what we're going to do, in just a moment, Champ, is take a look at some of the highlights of the fight and have you talk about them. The so-called rabbit punch sequences of the first round --

"MR. ALI: So-called! They were dirty rabbit punches --

"MR. COSELL: All right, we'll get to that in detail -- and

"MR. ALI: The referee allowed them. The dirt was allowed so I got dirty with him -- takes dirt to fight dirt.

"MR. COSELL: Okay. Just a little more of the pugnacious nature of the Champion, who's not happy about what happned last Monday.

"MR. ALI: Pugnacious? What do you mean pugnacious? What do that big word mean? You went to law school --

"MR. COSELL: Truculent.

"MR. ALI: Truculent?

"MR. COSELL: Over-agresive, militant.

"MR. ALI: Over-agressive, militant! He was the one. I was defending myself.

"MR. COSELL: Champ, what we're going to do first is take a look at the rabbit punch sequences of the first round. You talk over them -- and express yourself as volumably as usual if you will. Here we go.

"MR. ALI: Well, there was promoted before this fight that this man was going to throw dirty shots -- hitting behind the head. There he go -- right behind the head. That's totally illegal, and the referee's just as dirty as him. He didn't say nothing about it. Look at him. All them punches are illegal. I hit him back a' side his head -- and the referee will come in and he'll say something to us now -- because I'm doing it, too. See. I'm telling him now 'Watch that sucker -- he's doing it -- he's doing it.'

"MR. COSELL: Well, actually --

"MR. ALI: He let him do it over and over and over. He just kept letting him do it, and I don't want that referee in my corner again because he was dirty.

" MR. COSELL: That's your side of it. Tony --

"MR. ALI: My side of it! I saw it's dirt, and

the people watching television see the dirt. What you mean it's my side of it?

"MR. COSELL: Tony Perez --

"MR. ALI: I saw the dirt.

"MR. COSELL: Tony Perez says you outdid Chuck Wepner --

"MR. ALI: Outdid him how?

"MR. COSELL: In rabbit punching.

"MR. ALI: He outdid me. He started the rabbit punching, and I did it since the referee wouldn't take the law into his hands, which is his job -- since he wouldn't do it, then I did it. Then he said both of us did it. And then, after I quit -- now ifyou watch that whole fight, all through the fight, after the beginning, I quit rabbit punching and I had to start holding my hand behind my neck, and that dirty referee continued. He's dirty --

"MR. COSELL: Well --

"MR. ALI: -- and all Puerto Ricans should be ashamed of him because he is Puerto Rican.

"MR. COSELL: Well, I don't think that's necessary to say --

"MR. ALI: I think it's necessary.

"MR. COSELL: -- I think it's intemporate --

" MR. ALI: It's necessary -- I have too many

good Puerto Rican fans --

"MR. COSELL: Furthermore, let's -- let's face this fact --

"MR. ALI: -- I have too many good Puerto Rican fans for -- for somebody to allow somebody like that to get me on television and fighting a white man -- doing everything to take my title -- that's what it was -- a conspiracy, and it was all to let anything happen to take my title, and I'll blow my own damn horn because I'm free. He was dirty -- the referee was a dirty dog and he was dirty and the world see it and you getting on television suing ABC to promote the dirt and to say that I'm the one.

"MR. COSELL: Are you all done?

"Now that you're done, just open up that fist and listen to me for a minute.

"MR. ALI: I'm serious.

"MR. COSELL: Tony Perez refereed your second fight against Joe Frazier --

"MR. ALI: And he did another dirty thing. The bell rung --- he started to say the bell rung.

"MR. COSELL: -- and Frazier and Eddie Futch, Frazier's manager, said that Perez favored you -- that you --

"MR. ALI: How could he favor me --

"MR. COSELL: -- we're holding throughout the --

"MR. ALI: How couldhe favor me, when they talking -- what they favor Frazier. I had the man knocked out and he was almost ready to fall and he stopped it and said the bell rung and made a mistake and the damn bell didn't ring, messing me up from knocking out Joe Frazier. I had Joe Frazier going and the world saw it, and he stopped the fight and said go to your corners pretending he thought the bell rung. That wasn't it -- he didn't want me to knock out Frazier.

"MR. COSELL: You all done?

"MR. ALI: They got lights on the pole, Bodini just said -- got lights on the pole to show -- the round wasn't over. He didn't see no lights.

"He was paid probably by some gangsters or somebody -- uh -- to -- uh -- he had some money bet on Joe Frazier.

"MR. COSELL: Well, that's just absurd -- but we could go on --

"MR. ALI: That ain't absurd. You want to attack me --

"MR. COSELL: I'm not attacking you, I'm --

"MR. ALI: -- and let this dirt get by. You going to let this dirt get by on me --

"MR. COSELL: I'm trying --

"MR. ALI: -- then I'm going to defend myself.

"MR. COSELL: -- I'm trying to state the case of a man who's not here to face you and answer you head to head.

"MR. ALI: Well, he should be here --

"MR. COSELL: Now, you've had your say --

"MR. ALI: -- because the -- the camera speaks -- you keep on showing it -- I'm going to have my say and the camera's going to have a say, because he don't need no say. We see the dirt.

"MR. COSELL: All right, let's go on --

"MR. ALI: Let's keep --

"MR. COSELL: -- with the next highlight of the fight, the so-called knock out of the ninth round -- and I want you to observe --

"MR. ALI: He stepped on my foot. He didn't knock me down.

"MR. COSELL: We will get to that issue in just a moment. But let's take a look at the alleged knock-down and you talk over. This is ninth round --

"MR. ALI: Well, he was so dirty -- he kept stepping on my toes all through the fight. It's an old trick an old professional's got. You step on a man's toe and push. There he go -- push me down.

"MR. COSELL: But what about that right?

"MR. ALI: Aw, that right. How's a right on my side of my heart going to knock me down.

"MR. COSELL: Well, here it is in slow motion.

"MR. ALI: We got filsm. You got a paper you can show. The camera going to show. He stepped on my toe. He's right on my toe.

"MR. COSELL: All right, now you've made a fair point. The camera doesn't show.

"MR. ALI: There you go.

"MR. COSELL: This photograph is from Cleveland --

"MR. ALI: That's dirty.

"MR. COSELL: Plaint Dealer.

"MR. ALI: All that dirt was allowed that night by all the officials. So I did my right.

"MR. COSELL: In other words, that was Wepner's foot on yours.

"MR. ALI: He did that all through the fight.

"MR. COSELL: And how did that cause you to go down?

"MR. ALI: When you're leaning backwards, it's an old trick -- Archie Moore will tell you -- old great fighters, Jack Dempsey will tell you, Sugar Ray Robinson will tell you -- when you step on a man's foot and you got him going backwards and you hold him, he'll fall. It's a natural

thing when you're leaning back and you can't get your grip andyou get you off -- just like you see me right now. I'm off balance -- his foot's on -- on my foot and -- and while I'm leaning back, he just hold it and you automatically fall because you can't pull yourself out. All that direct was allowed -- all of that dirt, and I couldn't do it. I -- he fought me dirty, and I hit him back, and he got on me for getting him back. If I hadn't of hit him back, wouldn't nobody say nothing about the dirt. George Chuvalo's another dirty fighter -- allowed to hit me in my private fifteen times a round, and nobody said a damn thing. I'm going to blow my own horn. There'll be no more dirty fighting, because if you hit me low, I'm going to hit you back low. If you hit me behind the head, I'm going to knock you back behind your head. If you s -- and he kicked at me, another thing, too, he did dirty. The man actually took his knee and tried to knee me.

"MR. COSELL: You fini --

"MR. ALI: I know your film didn't show that, did it. Your film was at the wrong angle --

"MR. COSELL: (Laughing)

"MR. ALI: Yeah, uh huh --

"MR. COSELL: (Laughing) Finished with your tirade? I want --

"MR. ALI: Tirade?

"MR. COSELL: -- to say on thing. Tony Perez says that you're embarrassed by your bad showing -- and that you're taking it out on him.

"MR. ALI: Yeah, I'm embarrassed -- yeah, I'm embarrased. I'll tell you what. You tell Tony Perez -- to meet me -- I'm tired of him. I done made you famous, I don't want to make him famous either, don't nobody know this little old referee. But all through the fight film, this man hit me illegal on up until the last knockout. This man kept hitting me behind my head, and why is it that you, on nation-wide TV, why is that Tony Perez, why is it that all the boxing officials, allow this dirt on Muhammed Ali?

"MR. COSELL: Well, I had absolutely nothing to do with it.

"MR. ALI: If you whup me, take my title clean. I whupped Sonny Liston -- I got it clean. I defeated it some fourteen, fifteen times clean. You took my -- they took my title for four years -- I came back and won it back and whupped George Foreman clean, and if you whup my behind, whup my behind fair. We don't need no dirt.

"MR. COSELL: Okay, Muhammed. An embattled Muhammed Ali -- we'll be back with the highlights of the knock-out sequences in just a moment.

"MR. ALI: What you mean, an embattled Muhammed Ali. All of this dirt. I ain't got totake this stuff. All of this -- all of this -- all of this dirt."

(Commercial)

"MR. COSELL: We're back with a hopefully subdued Muhammed Ali -- and this will be the last round, Champ -- you in the fifteenth, knocking our Chuck Wepner. As the tape comes up, I'd like you to do the voice over.

"MR. ALI: Well, right now, Howard, as you see here, my trainer has told me, you must win the last round. This thing could be close -- they could try to give it to him, so my main thing now is to do all I can to make it really impressive that I won this round -- and really he's tired, he's holding on, he's still hitting behind the head, if you watch him. Uh -- he's -- uh -- still fighting dirty. Even up to the last round, the referee's still not saying nothing. So my main thing is to find an opening, tag him and, really convincingly, win this round, and -- uh -- watch him close, you'll see him hit me behind the head there. There he go -- those're rabbit punches -- and, the main thing -- I saw he was tired and -- uh -- they say the star's the one who close the show, so I'm trying to be the one to close the show, and I realize this man is tired, because I'm really tired. But I said I know I'm much better than this man.

I'll have to get him this round and make it convincing to those who might think it's close, and even to knock him out -- this is -- idea and somewheres along there I did catch him. There you go, I just caught him. Now, my main object -- I see he's dizzy and falling around the ring. My main object now is to stay on him and not let him cool off -- keep him -- heep him numb, keep him shook up and, uh -- realizing that another fight with Foreman, Frazier -- everything laid on this and -- now I knew that I had won the fight with no doubt.

"MR. COSELL: Well, that was it. Referee Perez came in.

"MR. ALI: I figured the referee might let it go, but -- I was glad he had counted it out, because the man really wasn't in no condition to keep going.

"MR. COSELL: What's that your brandishing?

"MR. ALI: Well, uh -- this is something I'm carrying around. I'll tell you what it is, but first I want to say hello to my truckdriving friends. I meet them on the highway the other time at the Golden Spike -- Triple Nickel and Giddyup Go. Uh -- what I'm doing with this, is, you know, you -- you -- quite a few times you've raised your hands -- you've always wanted to -- to -- uh, try me. I mean I know you wonder if you could. Now, you just take this, because

this is what you're going to need to be equal one day. I don't want it said that I did you wrong, so you carry that with you for a while and, whenver you try me again, that's what you're going to need.

"MR. COSELL: Well, as I said, you're an embattled man today -- and I don't understand the relevancy of your plugging truckdriver friends on national television. But, very quickly, what about your projected bout against Joe Guner in June?

"MR. ALI: I'm working on that fight. We hope tohave it in Soldier's Field in Chicago if everything is right, and, uh -- uh -- we're working on it. So --

"MR. COSELL: Okay. And after that, as you've previously said, Frazier and Foreman or Foreman and Frazier.

"MR. ALI: I want Foreman first, and then probably Frazier and then we'll --

"MR. COSELL: But then, too, deserving a shot, sooner or later, is Kenny Norton, and I'm delighted, if you can behave yourself, that you'll be back with me tomorrow to analyze the Norton-Quarry fight --

"MR. ALI: I'll be here.

"MR. COSELL:--which also took place last week.

"MR. ALI: I'll be here.

"MR. COSELL: You will be?

MR. ALI: I'll be here.

"MR. COSELL: Yes. Muhammed Ali, who doesn't really need that hammer, but whose face remains totally unmarked after fifteen years of fighting, as you can see. Wuite unlike the face that you are about to see -- the man he beat up. There's the marked-up face of Chuck Wepner in vivid contrast to that of Muhammed Ali. Before we take our leave, I should like to make this point. We videotaped our talk with Chuck Wepner prior to Muhammed Ali's arrival at our studio and prior, too, to our acquisition of that photograph by the Cleveland Plain Dealer man which shows Wepner's foot on Ali's just before Ali went down. So we called Chuck -- offered him the opportunity to come back to seek to rebut that which Ali stated. Chuck declined -- said he didn't want to engage in verbal warfare with Ali, but made his point, to wit: That Ali was already on the way down and his foot's presence on Ali's had nothing to do with the knock-down. So be it. That's our story today. I'm Howard Cosell. Thank you for being with us.

(Continued on next page.)

Q While you were refereeing the fight, you were up in the ring, at any time did you see Wepner's feet on Ali's feet?

A Never.

Q When a referee is refereeing a fight, does he watch the feet?

A I don't watch the feet. I have to keep looking at the action from upstairs. If I look at the feet, I could miss something at the heads.

Q During the fight, did Muhammed Ali say anything to you?

MR. ELDRIDGE: Your Honor, ABC and ABC Sports objects to conversation about that.

THE COURT: You have already explained to the jury what the effect is, of particular efforts, and this question calls directly for a conversation between the two individuals.

Overruled. You may answer.

A He cursed me with very bad words.

Q Word for word, what did he say?

A They are very bad words what he told me. Can I say them?

THE COURT: You ask your lawyer.

Q Word for word, Tony, I want you to tell me

what he said.

A He called me a few times a white mother fucker.

Q Did he, at any time during that fight, say those words to anybody else?

A Yes.

Q To who?

A To Chuck Wepner, about nine times.

Q Is that kind of language unsportsmanlike conduct?

A Yes, sir.

Q Is unsportsmanshiplike conduct a major foul?

A Yes, sir.

Q In the referee's discretion when a major foul occurs, can you stop the fight and declare the other man a winner?

A You could disqualify a man with that kind of unsportsmanship conduct and declare the other man the winner, yes.

THE COURT: Did you take any points away from him because of these alleged statements?

THE WITNESS: No, sir.

THE COURT: Did you tell the judges about these alleged statements?

THE WITNESS: No, sir, not during the fight.

THE COURT: Did you do anything about it?

THE WITNESS: I warned him, I kept warning him. The reason I didn't take no points away from either fighter was because they were both fouling. They were both fouling constantly. This was a Championship fight.

THE COURT: My question relates to this alleged language. Did you say anything to Mr. Ali about this alleged language?

THE WITNESS: I said stop using bad language. I said to him, stop using bad language, and he kept repeating it.

Q Other than Mr. Ali -- withdrawn.

Prior to the time that Mr. Ali made the remarks on television, had anyone ever called you a gangster?

Withdrawn.

Had anyone ever said that you had been paid by gangsters for anything?

A Never.

Q Prior to those remarks, had anyone ever stated that you had bet on a fight?

A Never.

Q Prior to those remarks, had anyone ever said that you were a dirty referee?

A Never.

Q Since those remarks, have you ever refereed a Heavyweight Championship fight?

A No.

Q At the time the fight was stopped in the 15th round, up until that point how had you scored the fight?

MR. SHARFMAN: Objection.

THE COURT: I will let the witness answer that question.

A I had it way in front, my scorecard, way in front.

Q Following this broadcast, sir, did you return to your home in New York?

A Yes.

Q How were you treated by your neighbors?

MR. SHARFMAN: Objection, your Honor.

MR. ELDRIDGE: Objected to.

THE COURT: I will sustain it in that form.

Q Did this broadcast have any effect on your reputation in the community?

MR. ELDRIDGE: Objection to the question, your Honor.

THE COURT: Sustained.

Q Did you observe, Mr. Perez, how your children were treated by other children after this broadcast?

MR. ELDRIDGE: Objected to, your Honor.

MR. SHARFMAN: Objection.

THE COURT: I will allow it.

A Yes, I noticed a big difference.

THE COURT: How old were these children that you are talking about?

THE WITNESS: 11 and 19.

THE COURT: 11 and 19?

THE WITNESS: Yes, two boys.

THE COURT: You say you observed something about the 11-year old child?

THE WITNESS: Yes, sir.

THE COURT: In connection with what other children, also 11-year olds or younger?

THE WITNESS: Around their own age, maybe bigger. I couldn't exactly know. He told me -- I figured they were around the same age, maybe older.

THE COURT: Did you overhear these remarks?

THE WITNESS: He told me.

THE COURT: Who told you?

THE WITNESS: My son.

THE COURT: Did he tell you that they had watched the fight or seen the ABC Sports broadcast?

THE WITNESS: Right.

THE COURT: The 11-year old?

THE WITNESS: Yes, sir. He came home crying because they say that his father was a crook and a gambler.

THE COURT: Just wait for the question.

Strike that out.

MR. SULLIVAN: No further questions.

CROSS EXAMINATION

BY MR. SHARFMAN:

Q About your 11-year old son, Mr. Perez, does he live with you, sir?

A No.

Q Where does he live, sir?

A His mother.

Q Where is that, sir?

A Woodside, Queens.

Q Where is it you live, sir?

A I live in -- I don't remember the exact address by heart.

Q You don't remember the exact address where your wife and son live, sir, is that your testimony?

A That's right.

Q Where is it that you live?

A I don't hear you.

Q Where is it that you live?

ewrf 7 Perez-cross

A I live in the Bronx.

Q Mr. Perez, you testified that you hadn't refereed a Heavyweight Championship fight since the Ali-Wepner fight. How many Heavyweight Championship fights have you refereed before the Ali-Wepner fight, sir?

A One.

Q Which one was that?

A Joe Frazier and Jimmy Ellis.

Q When was that fight, sir?

A 1970 or 1971.

Q 1970 or 1971. That's four or five years before the Ali-Wepner fight, is that right?

A Yes.

Q Subsequent to the Ali-Wepner fight, did you referee any World Championship fights?

A What do you mean by subsequently?

Q Afterwards, sir, I am sorry.

A After the Wepner-Ali fight --

Q Yes, sir.

A I refereed two more Championship fights.

Q Isn't it true, sir, that about two months after the Ali-Wepner fight you refereed a World Championship fight in Madison Square Garden in New York City?

A What?

Q A World Championship fight?

A Yes.

Q Can you tell the Court what that fight was, sir?

A Middleweight Championship of the World.

Q Who were the fighters?

A Carlos Monzon, a Champ from Argentina and Tony Licata from New Orleans.

Q That was two months after the Ali-Wepner fight?

A I wouldn't say it was two months.

Q About when would you say, sir?

A I don't remember exactly. I would say it was much more than two months. Maybe a year, I don't remember.

THE COURT: Wasn't it in March of 1975? You say maybe a year, do you mean --

THE WITNESS: I don't mean to say a year. He says two months. I said it may be more than two months.

THE COURT: You said it may be a year. Are you talking about 1976?

THE WITNESS: No, 1975.

THE COURT: When do you say that you refereed this Middleweight Championship fight in Madison Square Garden?

THE WITNESS: Somewhere in the summer, August

maybe.

THE COURT: Was that after the broadcast that you are complaining about here?

THE WITNESS: Yes.

Q After the broadcast that you are complaining about in this case,you refereed a World Championship fight in Madison Square Garden, Mr. Perez, is that correct?

A Yes, sir, it is.

Q Now, how many fights -- withdrawn.

Have you refereed any other World Championship fights subsequent to this broadcast that you are complaining about?

A Yes.

Q What fights, sir?

A A light Heavyweight Championships of the World in Oslo, Norway, Victor Galindez is the Championship from Argentina against Harold Skog from Norway.

Q When was that, sir?

A I believe it was either March or April of 1976.

Q March or April of 1976.

Let me ask you this, Mr. Perez, before the Ali-Wepner fight, now that was March 24, 1975. Let's say for the months of January, February and March up to the

Ali-Wepner fight at the end of March, 1975, how many professional fights of any kind did you referee?

A I don't understand the question. Do you mean in the months or in my whole career?

Q In those three months before the Ali-Wepner fight in 1975.

A I don't remember.

Q Do you recall your deposition being taken in this action, Mr. Perez?

A Yes, sir.

Q Do you recall, Mr. Perez, that -- if I may go back to the Middleweight Championship fight of the World that you refereed after this broadcast.

Would it refresh your recollection, sir, or do you recall, sir, these questions being asked of you and your giving these answers at page 186 and 197 of your deposition transcript:

A Giving the answers to who?

THE COURT: Just a minute. Wait for the question. He will read it to you.

Q "Q Do you recall if there was a press conference after the Nick Tiger-Nino Benvenuti fight?

"A I don't remember.

"Q You don't remember if you participated, if there

was one?

"A Of course, if I don't remember if there was one, I don't remember participating. I remember another one Championship fight that I forgot to mention before, another Championship fight that I did, Middlweight Championship of the World, Carlos Monzon of Argentina against Tony Licata of somewheres in Texas, Houston, I don't know. The fight was at the Garden.

"Q When was that fight?

"A Last June.

"Q June 1975?

"A Right.

"Q After the Ali-Wepner fight?

"A Right."

Do you remember those questions and those answers, Mr. Perez?

A I remember.

Q Does that refresh your recollection now as to when that World Championship fight that you refereed right after the Ali-Wepner fight was held?

A What was that again?

Q Does it refresh your recollection, sir, now that you have heard what you said last December, about when the Middleweight Championship of the World that you

refereed, what date it was held on?

A You see that day they were asking me a lot of questions, and I got confused.

THE COURT: Just a minute. It is only a simple question. Do you now remember when the fight occurred that you refereed?

A I still don't remember.

Q Did you give that answer of June, 1975, when you were asked that question?

A I think my answer was I believe it was somewhere in the summer, in June, somewhere like that.

THE COURT: The answer was read to you. Was the answer true at the time it was given?

THE WITNESS: I'm not sure. I'm not sure about --

THE COURT: Did you read the deposition over after you gave it?

THE WITNESS: Yes.

THE COURT: Did you sign it after you read it?

THE WITNESS: Yes.

THE COURT: Did you swear that what was in it was true?

THE WITNESS: Yes.

Q Well, sir, was it true then that you refereed a World Championship fight in June of 1975?

MR. SULLIVAN: Your Honor, I object.

THE COURT: I think we have covered that. Let's move on to something else.

MR. SHARFMAN: Yes, sir. I'd like to have just a moment.

Q Mr. Perez, do you recall being asked these questions and answers on your deposition of December 3, 1975, sir, page 224 of the deposition transcript:

"Q Prior to March 24, 1975, did you referee any professional boxing matches in 1975?

"A I don't remember any. "

Do you remember that question and answer, Mr. Perez?

MR.SULLIVAN: Objection, your Honor, that's what he said.

THE COURT: This is cross examination.

A Could you ask the question again, please?

Q Do you remember giving that question and answer under oath on December 3, 1975, sir?

A Yes.

Q Was it true when you gave it, sir?

A Yes.

Q Is it true now?

A Yes.

Q Thank you.

You were once an amateur boxer, were you not, Mr. Perez?

A Yes, sir.

Q Did you ever consider becoming a professional fighter, sir?

A I did.

Q Why did you not turn pro?

A Because of my mother. She talked me out of it.

Q Your mother was afraid you might be injured in the ring, wasn't she, Mr. Perez?

A Yes.

Q Boxing is a dangerous sport, isn't it, Mr. Perez?

A Yes, sir.

Q Boxers do get hurt, don't they?

A Yes, sir.

Q You stopped the Jerry Quarry fight in the third rouhg or after the third round, didn't you, Mr. Perez?

A Yes, sir.

Q You stopped that because Quarry was in danger of being harmed physically, did you not?

A Yes.

Q What is your understanding, Mr. Perez, of why rabbit punches are fouls?

A Because when they make the rules they say that that was an illegal point.

THE COURT: That is not what he wants to know. Why do you think that they are considered to be fouls?

THE WITNESS: I don't know what a fould -- how it became a law.

THE COURT: You don't know the effect of a rabbit punch on another person, as a referee?

THE WITNESS: The effect of a rabbit punch might be a bad effect.

THE COURT: What kind of a bad effect would it have?

THE WITNESS: I don't know.

Q You have no idea at all, Mr. Perez, of why the people who made these rules for boxing matches decided that the rabbit punch is illegal, is that your testimony, sir?

A Say that again.

(Question read.)

A No, that's not my testimony. I said that they might be illegal -- they might think that it is dangerous. It is like when the umpire said a fair ball or a foul ball. It was a set of rules. Fair or foul.

Q Do you remember giving this sworn testimony at your deposition on December 31, 1975 in this action?

Page 33:

"Q What is the reason, as you understand it, that the rabbit punch is a foul?

"A So you won't damage some areas of human beings."

Do you remember being asked that question and giving that answer?

A Yes.

Q Was that your understanding then of why rabbit punches were fouls, Mr. Perez?

A Yes.

MR. SULLIVAN: Your Honor, may I be permitted at this point to read any part of that EBT that clarifies?

THE COURT: No.

Q Mr. Perez, what is the reason, as you understand it, that kidney punches are a foul in boxing?

A Whoever made the rule thinks that it is harmful.

Q Mr. Perez, did you give these answers to these questions at your deposition on December 3, 1975, page 37:

A I don't remember.

Q "Q What is the reason, as you understand it, that kidney punches are a foul, if you know?

"A The reason for those, like I said before, I didn't make the rules. I just enforced the rules.

"Q Is it to protect the kidneys, Mr. Perez?

"A I guess it should be that."

Do you remember giving those answers to those questions, Mr. Perez?

A Yes, sir.

Q Are those answers correct, sir?

A Yes, sir.

Q So that you do know, do you not, Mr. Perez, that the reason kidney punches are fouls is to protect the kidneys?

A The reason to protect any part of the body, yes.

Q When you were a fighter, Mr. Perez --

MR. SULLIVAN: Your Honor, may I object?

(Handing up note.)

THE COURT: I have received Court's Exhibit 6. Any objection that may be stated therein is overruled.

(Court's Exhibit 6 received in evidence.)

Q Mr. Perez, as a referee, isn't it your duty to protect the physical safety of the boxers in the ring?

A Yes, sir.

MR. SHARFMAN: If I might have a moment, your Honor.

Your Honor, I am about to go into a different

area of cross examination, and it might be an appropriate place for a luncheon break if it is convenient for the Court.

THE COURT: No, you can start. I will let you know when we will stop.

Q Mr. Perez, following the Ali-Wepner fight that you refereed, you held the press conference, didn't you?

A I didn't have no press conference.

Q You never held a press conference?

A I, me, have a press conference, no. They had it with me. I didn't have a press conference with anybody.

Q Who were the they?

A The reporters, they called me. You say when I had the press conference, I thought you meant I was who --

Q I'm sorry.

You appeared at a press conference.

A Right.

Q Had either of the fighters appeared before the press at the time that you spoke to the press?

A Do you mean before me that night?

Q Yes, sir.

A I don't think so.

Q You were the first person that spoke to the

press after the fight?

A They called me, the --

THE COURT: He wants to know whether you were the first person, whether you initiated the press conference.

THE WITNESS: Yes.

Q At that press conference, Mr. Perez, were you asked by any of the reporters present what did you do about the rabbit punching?

A Yes.

Q What did you say?

A I don't think that question was made that way that you just made it to me.

Q What is your recollection of it, sir?

A (No response.)

Q Were you asked in words or substance what about the rabbit punching?

A What about it?

Q Were you asked that question in words or substance by the reporters at the press conference that you attended before either of the fighters?

A Yes, they made some questions regarding rabbit punches, yes.

Q What did you tell them? What did you tell those reporters?

A I can't tell them nothing. If they ask me about rabbit punching I can't tell them. I don't understand that question, I don't know.

THE COURT: The question that you were just asked is what response did you make to the question?

Q The question that -- as I understood your testimony, Mr. Perez, you recall being asked by the reporters about rabbit punches.

Were you asked by the reporters at that press conference before either of the fighters had spoken?

A I answered yes to that question.

Q You were asked about rabbit punches, were you not?

A Yes, I was asked about rabbit punching, yes. They mentioned the words rabbit punches a few times.

THE COURT: What did you say?

Q What did you say, sir?

A The question was never put to me that way. What about rabbit punching, what can I say about rabbit punching. They have to ask me a question about this and this and that. I don't know. They never asked me what about rabbit punching, they never asked me that.

Q They never asked you that, is that your testimony, Mr. Perez?

A What about rabbit punching, they never asked me

that, no, I don't remember.

Q What do you recall being asked at the press conference about rabbit punching?

A I said yes, I saw it, by both sides.

Q You saw a few by both sides, is that what you recall saying?

A Yes.

THE COURT: I have received Court's Exhibit 7. Objection is overruled.

I thought you said a moment ago when you were asked the question what did you do about rabbit punching and you acknowledged that that was a question put to you. Now, what response did you make to that.

THE WITNESS: That is a good question. He was saying to me what about rabbit punching.

THE COURT: Just tell me what response you made to it.

THE WITNESS: What did you do about rabbit punching? I warned them.

Q What was your response, that you recall, Mr. Perez?

A I just said I warned them.

Q Mr. Perez, don't you recall being asked this question at that press conference, sir, to refresh

your recollection?

A Yes, sir.

Q Did you take any points away for rabbit punching?

A I remember that question, yes, sir.

Q You remember being asked that, do you not, sir?

A Yes, sir.

Q Do you remember answering, not at all, they were both doing it so I might as well take no points.

A That's right.

Q You told them that they were both doing it so there was no point in taking any points away, is that right, sir?

A That's right.

Q It is your job, Mr. Perez, as the referee in the fight to protect the physical safety of the boxers, is that right?

MR. SULLIVAN: Objection, your Honor, that's a third time.

THE COURT: I think that is right. It has been gone over.

Q At this press conference immediately after the fight, were you asked by the reporters at that press conference about the event in the fight when Mr. Ali fell or was knocked down in the 9th round?

A They asked me questions about the knockdown, yes.

Q Do you recall what you were asked and how you responded?

A To the best of my ability, I could recall that they asked me what about -- what happened with the knockdown or a question of why did you score a knockdown so I told them that it was a clear point and he fouled because of the fault of the punch and that is what I called a clean knockdown.

Q Isn't it a fact, Mr. Perez, that the reporters asked you was that a knockdown, Mr. Perez?

He claims he didn't get knocked down.

Do you remember being asked that question?

A Yes. It is the same question.

Q You said this, did you not, it was a clean knockdown. He got hit clean and he tripped a little bit on his foot, too, but it was a clean shot. Then you were asked by one of the reporters who tripped on whose foot and you said Ali tripped on his own foot. Do you recall that?

A Yes, sir.

Q That is what you told the reporters at the press conference after the fight, sir?

A Yes, sir.

Q If I might go back for just a moment, where was

this press conference, Mr. Perez?

A Right at the same site of the fight, in a different room, in a huge room they have on the side in the Cleveland Coliseum.

Q It was filled with reporters, wasn't it?

A Yes, sir.

Q Was there a microphone system in the room?

A With a lot of static, yes.

Q Were you speaking into a microphone and having loudspeakers carry your voice?

A Yes, sir.

Q This is all the same night of the fight, right after the fight, is it not?

A Yes, sir.

Q It is before there has been one word for Mr. Ali, is it not?

A Yes, sir.

THE COURT: We will recess now until 2:00 o'clock.

(Luncheon recess, 12:45 p.m.)

1 p.m.

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AFTERNOON SESSION

2:05 p.m.

(Jury present)

A N T H O N Y P E R E Z, J R., resumed.

CROSS-EXAMINATION (Continued)

BY MR. SHARFMAN:

Q Mr. Perez, after the Ali-Wepner fight in March of 1975, did the New York State Athletic Commission renew your boxing referee's license, sir?

A Yes, sir.

Q Did they renew it to September 1975?

A Yes, sir.

Q Did they renew your license in September of 1976?

A Yes, sir.

Q When were you first licensed as a boxing referee in New York State?

A Professionally?

Q Yes, sir.

A 1968.

Q Do you recall who it was that licensed you in 1968?

A The Commissioner of the New York State Athletic Commission, I mean the chairman, Edwin B. Dooley.

Q You spoke to him personally at that time, did you not?

A Yes, sir.

Q And he arranged to have your license provided; is that correct, sir?

A Yes, sir.

Q When did you first learn, Mr. Perez, that you were to go to Madison Square Garden to be a referee on the evening of the Ali-Frazier fight, the fight we all saw here yesterday, I believe?

A That same morning.

Q That morning, the morning of that fight?

A Yes.

Q Around what time, sir?

A About 11 a.m.

Q You knew, did you not, that that night Muhammad Ali was fighting Joe Frazier, didn't you, when you got the call from the Commissioner at 11 in the morning?

A Yes, sir.

Q Did you have a pretty good idea that you would be the referee at that fight when you received the call?

A No, sir.

Q Isn't it true, Mr. Perez, that your feeling was and is that when you were called down in the morning

to referee fights that night you think you will do the main event.

A You always have that feeling and that hope that you get the main bout, yes.

Q You had that feeling that you would do the main event that night that morning at 11 o'clock when the Commission called you and said, "Be down here at Madison Square Garden tonight," didn't you, Mr. Perez?

A I was hoping so, yes.

Q Well, it was more than a hope. You were figuring that you would, weren't you, Mr. Perez?

A No, sir.

Q At Madison Square Garden, Mr. Perez, they have lights on the poles in the four corners of the ring, do they not, sir?

A Yes, sir.

Q What color are those lights?

A Red.

Q When they light up they are very bright red, aren't they?

A Yes.

Q What is the purpose of those lights on the poles in the ring at Madison Square Garden, as you understand it, Mr. Perez?

A To help alert everybody that the round is over, that the round has ended.

Q Well, it is a fact, isn't it, that those lights going on, those bright lights, they are the signal that the round is over?

A That is one of the signals.

Q What are some of the other signals?

A The bell.

Q Well, that is it, isn't it? There is a bell and the lights. Those are the two signals that the round is over; isn't that correct?

A Right.

Q And it is also correct, is it not, Mr. Perez, that you are instructed over and over again by the Boxing Commission before you referee fights in Madison Square Garden that you must look for the lights on the poles to signal the end because when there is a big crowd you cannot hear the bells sometimes, so they tell you time and again, "Look for the lights on the poles to see when the round is over"; isn't that true?

A That is wrong.

Q That is wrong?

A The way you put the question.

Q Do you recall that they asked this question

and you gave this answer at your deposition on December 3, Mr. Perez?

A Yes.

Q Listen to the question, please, sir. Page 155 and page 156, Mr. Sullivan:

"Q What is your understanding of the purpose of lights on the poles?

"A The lights will go on at the end of the round.

"Q Did anyone at any time ever tell you that?

"A I knew it.

"Q Did anyone tell it to you?

"A They keep telling those things over and over."

And then at page 165 and 166 of your deposition, do you recall this question and this answer, Mr. Perez:

"Q Haven't you been instructed by the New York Boxing Commission or representatives of the New York Boxing Commission during your career as a referee in professional boxing matches in New York that the purpose of the lights on the poles in the ring in Madison Square Garden is so that in a loud arena in which there is a lot of noise you as the referee can be sure whether the round is over by looking at the lights?

"A I answered that question before. I will answer it again. The answer is yes."

Did you give those answers to those questions, Mr. Perez?

A Yes.

MR. SULLIVAN: Your Honor, objection.

THE COURT: The objection is overruled.

Court Exhibit 8.

(Court Exhibit 8 marked.)

THE COURT: The objection is overruled. This is cross-examination and if you have anything that you want to bring out you'll have an opportunity on redirect examination, but you can't stop the cross-examination just because you have a thought in mind.

Go ahead.

Q Mr. Perez, the lights and the bells at Madison Square Garden, those are the lights that signify the end of the round, the lights that the Boxing Commission tells you over and over again to look for so that you'll know the round is over, those lights are checked by an electrician before the fights each night, aren't they?

A Correct.

Q Now, remembering the Frazier-Ali fight, Mr. Perez, was there a large crowd of people at Madison Square Garden that night?

A Yes.

Q Was there a lot of noise?

A Yes.

Q Are you supposed to be looking for the lights on the poles to see when the round is over?

A Not only that --

Q Not all the time?

A Correct.

Q At the end of the round, weren't you, sir?

A Not all the time.

MR. SHARFMAN: I would like, your Honor, at this time, if I might, to show a film.

THE COURT: What exhibit?

MR. SHARFMAN: Exhibit 1 for the defendant Ali.

THE COURT: All right. Do you need the lights out?

MR. SHARFMAN: I believe it would be helpful, your Honor, yes. We'll need just a moment to plug this in.

Mr. Sullivan, your Honor, has stipulated on behalf of Mr. Perez the authenticity of the film we are about to show, the first two rounds.

THE COURT: If there is no issue about it, it doesn't have to be referred to. Let's just not accumulate the record.

Q Mr. Perez, can you see the screen, sir?

A Yes, sir.

Q Now, Mr. Perez, if you would watch the film of the first two rounds of the fight, please.

(Film shown)

Q Mr. Perez, that was the first round. Did you see the red light go on at the end of the first round, sir?

A From where I'm sitting down?

Q Yes.

A Yes, sir.

Q The lights were working that night on the poles at Madison Square Garden, weren't they, sir?

A Yes.

/2 MR. SHARFMAN: May we see the second round, please.

(Film shown)

MR. SHARFMAN: Stop the film, please.

Q Mr. Perez, you have seen about half of the second round of the Ali-Frazier fight that you refereed. Can you recall, sir, the sequence in the fight we haven't yet seen on the film in which you stepped between the fighters and called the round over?

A You are talking about the night of the fight?

Q The night of the fight. I'm sorry. We haven't come to it in the film.

A Yes, I remember.

Q You recall that incident?

A Yes.

Q Do you recall that you saw the lights or the light on a pole when you called the round over, sir?

A Did I ever saw the light?

Q In that second round, when you mistakenly called the round short, do you recall if you saw a light go on on the pole?

A No.

Q You don't recall if you did or not?

A No, I didn't see any. I don't recall.

Q You didn't see any?

A No, I don't recall seeing any.

Q Do you recall looking at a pole when you called the round over?

A The fighters was exchanging blows. I cannot be looking at the pole. I was looking at the fighters.

Q Your recollection is you were not looking at a pole when you called the round over; is that right?

A That's correct.

MR. SULLIVAN: Objection.

A I'm not standing in the ring to look at the poles. I'm standing in the ring to look at the fighters.

MR. SHARFMAN: May we have the continuation to the end of the second round, please.

(Film shown)

MR. SHARFMAN: Stop right there, please.

Q Mr. Perez, you have just seen the point in the second round where you called the round over. I would like to ask you, having seen that, Mr. Perez, whether --

MR. SULLIVAN: I object, your Honor. I don't think anybody should see that picture until it is in evidence.

THE COURT: Are you offering it?

MR. SHARFMAN: I'm going to offer it in evidence, this photograph.

THE COURT: Is that a frame?

MR. SHARFMAN: This is a frame taken -- I have two frames. This is one of them. The other is another taken at the time Mr. Perez stepped in between the fighters and called the second bout over.

MR. SULLIVAN: I object, your Honor.

THE COURT: Let me see those two frames and run the machine back again. Can't you stop that machine so that the light stays on?

MR. SHARFMAN: No, your Honor, it is a little difficult.

THE COURT: Can't you stop it?

MR. SHARFMAN: No, your Honor.

THE COURT: Just answer the questions. Run it back again and I'll pass on it.

(Film shown)

THE COURT: All right, these are received in evidence.

MR. SHARFMAN: Thank you, your Honor.

THE COURT: Are they marked?

MR. SHARFMAN: Yes.

THE COURT: They are items M-2 and M-3 for identification. They are received in evidence as replicas of the film which itself is in evidence.

MR. SHARFMAN: Thank you, your Honor.

(Defendant Ali Exhibits M-2 and M-3 received in evidence.)

Q Mr. Perez --

MR. SULLIVAN: May I have a second to write out my objection?

THE COURT: Your objection to what? What do you object to?

MR. SULLIVAN: I object to those pictures going in evidence.

THE COURT: I have ruled against you on that.

You don't have to write anything out.

Q Mr. Perez, does this picture refresh your recollection at all, sir, that you were looking directly at the pole and the light was not on when you called the second round over in the Ali-Frazier fight?

A Are you telling me that I'm looking directly at the pole? Are you telling me or are you asking me?

Q I'm asking you.

A I'm not looking at the pole.

Q You are not looking at the pole?

A No, sir, I'm looking at the fighters.

MR. SHARFMAN: May I have Exhibit 3, please.

THE COURT: There is another juror down there. Turn that around so that it can be seen by all the jurors.

MR. SHARFMAN: I'm sorry.

Q Let me ask one other question about this picture, Mr. Perez. That light is not on, is it, Mr. Perez?

A In that picture it is not on, no.

THE COURT: Were you facing in the direction of the light at that moment?

THE WITNESS: According to that picture it looks that way.

THE COURT: Yes.

MR. SHARFMAN: Yes.

THE WITNESS: Can I have an explanation for that?

THE COURT: Yes, when your lawyer asks you for it you may give it.

What is the question?

Q Mr. Perez, in this picture, defendant Ali's M-3, are you, sir, in this picture looking at the pole?

A The fighter right there is in my way and he's in the way of the pole right there.

Q Is the light on, Mr. Perez?

A It is not on.

MR. SHARFMAN: If I can just exhibit these two photographs.

THE COURT: You have. Let's go on with the next question.

MR. SHARFMAN: Now, would you please continue the film to the end of the round, round 2, please.

(Film shown)

(Film tape played.)

Q Mr. Perez, did you see the bright red light go on at the end of round 2 in this film, sir?

A Yes.

Q After that Ali-Frazier fight, Mr. Perez, you were called in, spoken to and questioned by the New York State Athletic Commission about the second round in that fight and the way you called it over before it was over, weren't you, sir?

A Yes.

Q What did you tell the Commission?

A About the stopping of the rounds before --

Q Yes, sir.

A That I thought I heard something.

Q That you thought you heard something?

A Yes, sir.

Q Did you --

A I heard something like the sound of a bell, yes.

Q Did you ever tell a reporter named Gene Ward that you saw a light go on?

A I told somebody that I saw many flashes and I probably mistook the -- there are a million cameras there --

THE COURT: Strike out the answer. Just answer the question that you were asked.

(Question read back.)

A I don't remember that, not speaking to that man, Gene Ward. I don't even know the man.

Q Do you recall telling anyone after that fight that "I saw the light go on" when you called the second round over?

A I told somebody that I saw a flash.

THE COURT: He asked you whether you told somebody that you saw the light, the ringside light.

THE WITNESS: The answer to that is no. Thank you.

Q Do you remember telling Dave Anderson of the New York Times that you heard someone yell"Bell" and that "Usually I hear the bell, but the bell was defective before the fight. They had to call the electrician to fix it."

Do you recall telling that to Mr. Anderson as an explanation for why you called that second round short?

MR. SULLIVAN: Objection to the last part of that question.

THE COURT: The objection is sustained.

Put the question this way:

Did you tell that to that gentleman at that time.

Did you tell that to Mr. Anderson?

THE WITNESS: I don't remember.

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Q Let me show you --

THE COURT: Did you have a meeting with Mr. Anderson?

THE WITNESS: I don't remember having a meeting with Mr. Anderson.

THE COURT: Do you know Mr. Anderson?

THE WITNESS: No, sir.

THE COURT: Did Mr. Anderson question you?

THE WITNESS: He might have. Many reporters qustioned me. They come by the thousands to me with notebooks. I don't know who are they.

THE COURT: Did you tell a reporter that you heard somebody yell the word "bell"?

THE WITNESS: I don't remember.

Q Let me show you an exhibit that has been marked for identification, Defendant Ali Exhibit 23, and ask you whether this refreshes your recollection, Mr. Perez?

(Handing.)

In particular, on the second page of this exhibit.

THE COURT: First of all, is your recollection refreshed that you spoke to Dave Anderson?

THE WITNESS: I say I don't remember speaking to no Dave Anderson.

THE COURT: I say from this paper is your

recollection refreshed that you spoke to Dave Anderson?

THE WITNESS: No.

THE COURT: Now turn to page 2, is what he wants you to do.

Q In particular, Mr. Perez, if you would look at the first full paragraph on page 2, column -- it is the first column --

MR. SHARFMAN: If I might point it out to the witness.

THE COURT: Right here (indicating).

The witness is looking at the first paragraph in the first full column on the second page of the exhibit for identification.

Does that remind you of any conversation that you had?

THE WITNESS: It doesn'tremind me of anything.

THE COURT: Did you have that conversation?

THE WITNESS: I don't remember talking to this man.

THE COURT: When you say you don't remember, are you saying that you deny that you had it, or that you don't recall whether you did or not?

THE WITNESS: I don't recall whether I did or not. Like I said before, I speak to some reporters -- I don't

remember about this either.

Q Do you recall telling any reporters, Mr. Perez, in words or substance that the reason you called the second round over was that you heard someone yell "bell"?

A I don't recall saying that.

Q But you do recall telling the New York State Boxing Commission when they investigated the reason as to why you had called that round short, that you had heard a bell?

MR. SULLIVAN: Objection.

THE COURT: The form of the question is objectionable.

Did you tell the New York State Boxing Commission when they investigated what the lawyer has just asked you?

THE WITNESS: About the bell, somebody saying "bell"?

Q Yes, sir.

A I never said that.

Q Did you tell the New York State Boxing Commission when they investigated you that you heard a bill?

A Yes, sir.

Q You told them that you heard a bell when you called the round over?

A That's right. I heard something that sounded

like a bell.

MR. SHARFMAN: I would like to now play the tape that was played yesterday, the second round tape which has the soundtrack on it of the Wide World of Sports program which includes the portion of the second round, when Mr. Perez stopped the second round calling it over right through to the end of the second round.

If I might have a moment, your Honor.

While we are waiting for this, your Honor, let me ask this of Mr. Perez.

Q In your experience as a referee of boxing matches in Madison Square Garden, have you ever refereed a fight, do you ever recall refereeing a fight in which the lights and the bell didn't both work at the same time?

A Many times. That happens many times. That is why the timekeeper has an extra bell, a manual bell. In case the other one doesn't run he still has the manual bell to sound.

THE COURT: Are you ready?

MR. SHARFMAN: Yes, sir.

THE COURT: Let's have a little impact here, go ahead.

MR. SHARFMAN: We are waiting for the tape to come to the part of the second round. Mr. Shanman is,

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I hope, getting there now, sir.

THE COURT: Do you know how to operate that machine?

MR. SHANMAN: Yes, sir, I do. I seem to have some malfunction with it.

THE COURT: Obviously you are not using the dial that has the volume.

Q Mr. Perez, do you recall being -- withdrawn.

Your testimony today is that you recall many instances when the bell and the light didn't work together at Madison Square Garden, at the fights you have refereed, isn't that right, sir?

A I would subtract from that. I would say a few times.

Q Do you remember being deposed, taking your testimony in this case on December 3, 1975 and giving this answer to this question at page 159 and 160:

"Q Can you recall any specific instances in which the lights on the poles in Madison Square Garden did not light up at the end of a round?"

Withdrawn.

Do you ever recall --

MR. SULLIVAN: I object to that.

THE COURT: What do you object to, his withdrawing

it?

MR. SULLIVAN: Yes, your Honor.

THE COURT: Your objection is overruled, go ahead.

Q Do you ever recall the lights not going on in a Championship fight in Madison Square Garden, Mr. Perez?

A That's very hard to pinpoint. No, I don't remember that.

Q You don't recall that, do you?

A No, sir.

Q Do you ever recall an instance in which the bell worked and the lights didn't?

A Yes, sir.

Q Again, Mr. Perez, do you recall giving this answer to this question in your deposition of December 3, 1975:

"Q Do you recall an instance in which the bell worked and the light didn't?

"A No, I don't, because it has a manual bell, and at that time I don't know which bell was the one he was ringing, the manual bell or the electric bell. The electric bell goes together with the lights."

Do you recall that question and that answer?

A Yes, sir.

MR. SHARPMAN: Your Honor, we are having a

problem with this. We will have to get back to it.

THE COURT: I think we will have to get somebody with mechanical aptitude for this.

MR. SHARFMAN: Yes, I certainly agree.

Let me move on, then.

Could I have five minutes, your Honor?

THE COURT: No, let's go right ahead. We are taking an awful lot of time here. If you have gotten to the end of your cross examination, let's go on to something else.

BY MR. SHARFMAN:

Q Mr. Perez, do you recall testifying this morning that you don't watch the fighters' feet when they are fighting, you watch the action upstairs, as you put it?

A Most of the time --

THE COURT: He asked you whether you recall so testifying. Please confine your answer to the question asked.

A The answer was yes. I'm sorry.

Q Were you watching the feet of Mr. Wepner and Mr. Ali at the time Mr. Ali hit the canvas when you ruled it to be a knockdown, sir?

A The answer is no.

Q You weren't watching their feet?

A I was not watching the feet.

Q Yet, sir, at the press conference immediately after that fight, you told the reporters that it was a clean knockdown, and that Mr. Ali had tripped on his own feet, did you not?

A You want to hear like I think it was?

Q No, I want --

A I said if he -- he tripped on his own foot because I didn't see no foot on top of nobody.

Q Is it illegal, under the rules of boxing, for a fighter to step on another fighter's foot?

A It is not in the rule book.

THE COURT: Strike out the answer.

Please answer the questions as they are asked. Don't get into your own answers.

He wants to know is it illegal to step on the other man's foot?

THE WITNESS: I would say it is illegal.

MR. SHARFMAN: Your Honor, I would like to introduce into evidence a -- I would like to show it to you first.

THE COURT: Is there any objection?

MR. SULLIVAN: There is no objection to that picture.

THE COURT: If you have no objection, proceed.

MR. SHARFMAN: I would like to introduce into evidence, then, Defendant Ali's Exhibit 6, your Honor. A blowup of the Cleveland Plain Daily photograph.

THE COURT: Bring it over closer to the jury.

If, at any stage, any of the jurors can't see or hear, please raise your hands so we can take care of that promptly.

Q Mr. Perez, can you see this photograph?

A Yes.

Q Do you recognize this foot as being Mr. Wepner's foot?

A Right.

Q Do you recognize that other foot as being Mr. Ali's foot?

A Right.

Q Do you recognize here that Mr. Wepner's foot is on top of Mr. Ali's foot?

MR. SULLIVAN: Objection.

THE COURT: Whether he recognizes it doesn't register a difference. Is it on top?

Q Is it on top of Mr. Ali's foot?

A Yes.

Q Mr. Ali is falling down at this point, is he not, Mr. Perez ?

A That's right.

Q Having seen this photograph, Mr. Perez --

A Have I seen it before, yes.

Q No, sir. Having seen it just now, is it still your testimony, is it still your belief that Mr. Ali tripped on his own feet?

A Yes, and I will give you my explanation to that. Do you want to hear it?

Q What is your explanation, sir?

A You see that picture -- I don't know,but I could tell you that that man has been connected already and he is on his way down already before that foot is on top of him.

That man is on the way down already because of the punch, and now as the foot is coming. I am talking only about that picture. I never saw it in the fight.

THE COURT: Is it your understanding that Wepner's foot was put on Ali's foot to keep him from falling, is that what you are saying?

THE WITNESS: I am not saying that. I am saying that the man is already going down. The man is on his way down.

He has been punched already, and the man is on his way down. Here comes the foot. It looks like

it is not already on to pf him. The man is already coming down. That's my recollection of what I could see in that picture.

MR. SULLIVAN: I would like to state for the record my objection to your Honor's question.

Q Thank you very much, Mr. Perez.

THE COURT: The jury will understand, all I am trying to do at any time, although I may make any ruling or ask any question, is an endeavor to assist the jury by bringing out the facts.

I have no views as to who is right or who is wrong, and I don't intend to present any personal views in this case.

You are not to take any question or any comment of mine any more than what I told you previously with respect to lawyers' comments.

The evidence comes from the exhibits and from the testimony. Those are the things that you will consider.

Q Mr. Perez, how, as a referee, do you indicate to the crowd -- withdrawn.

As a referee, Mr. Perez, aren't you instructed by the Boxing Commission to indicate to the crowd when you are warning a fighter for an infraction of the rules?

A Yes.

Q You are told that before each fight, aren't you?

A Most of the time, yes.

Q The Boxing Commissioner's representative comes in and says, "Don't forget, if somebody is hit, a rabbit punch or a kidney punch, don't whisper in his ear --" the Commissioner's representative tells you, don't whisper in the fighter's ear, he tells you just show him, show with your hands so the people will know what you are warning him for, isn't that what you are told by the Boxing Commission's representative?

A Yes, it is recommended by them.

Q What does the Commissioner's representative tell you is the reason that you, as a referee, have to indicate to the -- visibly indicate when you are calling a foul or a warning?

A For the benefit of the spectators so they will know what you are warning him for.

Q Isn't it also for the benefit of the fighters and the trainers and the managers of the boxers?

A Spectators cover many --

THE COURT: Court's Exhibit 8 received. Motion denied.

(Court's Exhibit 8 received in evidence.)

Q Isn't it so that the fighters will know that they are being warned also as the opponent is being warned?

A You talk to them right there. You talk to them constantly. "Keep your punches up." They know I am talking to them. Signal will help, I agree.

Q Aren't you supposed to tell -- withdrawn.

Isn't it one of the purposes of indicating a foul when you are calling it, when you are warning a boxer, to how to the fighters that you are calling a foul and warning them?

A Right.

Q That's right, isn't it, sir?

A Yes.

Q Would you show the ladies and gentlemen of the jury how you indicate, when you call a holding foul, what indication do you give?

A I put my arm around the neck, say too much holding. I talk to them. Sometimes I don't indicate, and I speak with the mouth, I tell him.

Q You are supposed to indicate, aren't you, Mr. Perez?

A I am not supposed to. They recommended that to us. Itis not in the rules either.

Q You are told by the Deputy Commissioner of the New York State Boxing Commission, are you not, to indicate to the crowd when you call fouls, sir?

A I just say -- I got recommended with that by the -- by whoever represents the Commission.

Q Your testimony was a little stronger in your deposition. Do you recall this question --

MR. SULLIVAN: Objection, your Honor.

THE COURT: Sustained. Take out that comment.

Q Do you recall this question and this answer, page 108 of your deposition, given by you on December 3, 1975:

"Q When he tells you, when he reminds you of the rules as you have testified he does, does he remind the referees for that evening about the rules against rabbit punching?

"A Yes.

"Q -- and the rules against kidney punching?

"A Yes.

"Q What does he say?

"A He says don't forget that if somebody hit a rabbit punch or a kidney punch, don't whisper in his ear, just show him if he hit a low blow, just keep your punch up and show with your hands so the people will know what

you warn him for.

"Q That is for a low blow?

"A Whatever.

"Q Rabbit punch?

"A Rabbit punch, kidney punch, so people will know what you warn him for."

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"Q What does the Deputy Commissioner tell the referees is the purpose for clearly indicating in the ring when a fighter has committed a foul such as a rabbit punch or a kidney punch?

"A So the people would know the managers, the trainers, and everybody watching the fight knows why the referee warned him for, like I said before, and so the fighter will know, too. Sometimes you got to indicate by hand and signals because the screaming is so loud. You can hear nobody."

Do you remember giving those answers to those questions, sir?

A Yes, sir.

Q Do you recall indicating to the crowd or to the fighters in the Ali-Frazier fight that Mr. Ali was holding?

THE WITNESS: I've got a comment to do about

that, your Honor, in answering that question.

He is talking to me about Madison Square Garden and the rules that the Boxing Commissioner gives me. Then he is talking about a fight in Cleveland, Ohio, where nobody instructed me to do anything.

A You are talking about Madison Square Garden, and now you are asking me about the Cleveland fight.

Q No, sir, I was not.

I am asking you about the Ali-Frazier fight.

A When was the Ali-Wepner fight? Wasn't it Cleveland?

THE COURT: Listen to him. He is asking you about the Frazier fight, not the Ali-Wepner fight at all.

Q Mr. Perez, you recall yesterday and this morning, I suppose, we viewed the Ali-Frazier fight, do you recall that?

A Yes, sir.

Q Do you recall your testimony that Mr. Ali was holding Mr. Frazier at various points in that fight?

A Yes, sir.

Q Did you call any of those fouls that you say you saw, those holding fouls that you testified today that you saw at the time of the fight?

A What do you mean do I call them?

Q Did you warn the fighters, did you warn Mr. Ali about holding?

A Yes, sir I did. Many times I talked to Mr. Ali within the fight, tell him to stop holding.

Q Is it your testimony that many times, in accordance with the instructions you received from the Deputy Commissioner before each fight, many times as you warned Mr. Ali about holding you indicated to the crowd and to Mr. Ali that you were warning him against holding, is that your testimony, sir?

A I only warned him with my mouth. I didn't warn him with my signals, though.

Q Even though you are instructed by the Deputy Commissioner before every fight --

MR. SULLIVAN: Objection, your Honor.

THE COURT: Sustained, it is argumentative.

Q You viewed here in the courtroom today the Wide World of Sports program including the Ali-Wepner fight?

A Yes.

Q Having done so, is it your belief that Mr. Ali outdid Mr. Wepner in rabbit punching in that fight?

A Intentionally, he did, yes.

Q My question, Mr. Perez is, intentionally or unintentionally, is it your belief here in this courtroom

today, having viewed the Ali-Wepner fight this morning, that Mr. Ali threw more rabbit punches than Mr. Wepner did in that fight?

A The answer is no.

Q The answer is no?

A Right.

Q Mr. Wepner threw many more rabbit punches than Mr. Ali did, did he not, sir?

A Unintentionally.

Q Unintentionally?

A That's right.

Q But he threw many more rabbit punches than Mr. Ali did, didn't he, sir?

A Not many more. More, yes.

Q Isn't it true, Mr. Perez, that each time Mr. Ali rabbit punched Mr. Wepner, he did so only after he had been rabbit punched by Mr. Wepner?

A Again, I can't say that because I can't read his mind. I don't know what is on his mind.

MR. SHARFMAN: YOur Honor, might I have the question reread for the witness?

THE COURT: No, you ask another question.

Q Isn't it true, Mr. Perez, that the rabbit punches by Mr. Ali followed the rabbit punches by Mr. Wepner?

A Yes.

Q Mr. Perez, I am going to read you questions and answers -- withdrawn.

In a professional boxing match, Mr. Perez, a match that -- in a professional boxing match governed by the New York State rules, if a fighter throws a rabbit punch, one rabbit punch in the first round, what would you do, sir?

A One rabbit punch, if I think it was intentional, I warn him.

Q If he throws a second rabbit punch, what would you do in the first round?

A I warn him.

Q Would you indicate to the crowd that you were warning him?

A Indicate to the crowd?

Q Would you show to the crowd that you were warning him?

A On that fight, no.

Q No, I am speaking --

A Any fight?

Q Yes, sir.

A It is recommendable to do that.You don't have to.

Q It is recommendable?

A It's recommended, yes.

Q It is recommended by the New York State Boxing Commission, isn't it?

A Yes, sir.

Q It wouldn't matter, would it, sir, if that second rabbit punch was, in your judgment, unintentional. You would still warn the fighter after the second rabbit punch, would you not?

A I could do so, yes.

Q Pardon me, I'm sorry, I didn't hear your answer.

A I would do that, yes.

Q You should do that, should you not?

A Whether it was unintentional or intentional, the second time a boxer throws a rabbit punch within one round you should warn him, whether it is in your judgment intentional or unintentional?

A Are you telling me or asking me?

Q Asking you?

A You don't have to. It is up to your judgment, if you think it is intentional or unintentional. If sometimes there is some doubtful punches, when they go into the ear which is legal.

Q Do you recall these questions and answers of your deposition when you testified under oath December 3, 1975 --

THE COURT: Don't keep repeating that. We know he has been under deposition, under oath. We don't want these questions prolonged that way.

Q "Q If he throws two rabbit punches" --

MR. SULLIVAN: What page?

MR. SHARFMAN: Page 68, I'm sorry.

Q "Q If he throws two rabbit punches in the first round of a fight, would you warn him?

"A The answer is obvious, I have to warn him, yes.

"Q And it wouldn't matter whether you judged it to be intentional or not?

"A That's correct.

"Q If he threw --"

Now, do you recall giving those answers to those questions, Mr. Perez?

A Yes.

Q If, in one round, the first round of a fight, that same boxer who had just thrown two rabbit punches through a third rabbit punch, what would you, as a professional boxing referee do?

A It depends.

Q Depends on what, sir?

A I will explain myself.

THE COURT: One of the things that you would do--

A The things I would do is depending on what the other fighter is doing. The other fighter might be --

THE COURT: What would you do is the question. You can pose it in as many alternatives as you want, but what would you do?

THE WITNESS: If I see that they both are both fouling, I don't do nothing.

Q You just walk over to the corner and hide your eyes?

A Walk to the corner and what?

Q You don't do anything as a referee in the ring if you see one fighter fouling another?

A If they are both fouling the same time, I warn both of them to stop it.

Q Do you recall these questions and answers in your deposition:

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"Q If he threw a third rabbit punch in the first round of a fight, what would you do?

"A In my opinion if he was doing it purposely, I would take points away from him.

"Q If, in your opinion, he was not doing it purposely, what would do?

"A I would warn him again."

Did you give those answers to those questions, sir?

A Yes.

Q What would you do if there was a fourth rabbit punch by that same fighter in the same round?

A Are we covering any special fight or are you just talking about -- are you talking about any special fight?

Q Let's talk just as a general rule what should a professional boxing referee do in that situation.

A In any fight?

Q In any fight.

A If there is only one guy doing the fouling, I probably take the round away from him, and if he keeps doing it, probably calls for disqualifying too if he keeps doing it and doesn't heed the orders from the referee. It all depends on what the other fighter is doing too. If the other fighter is not falling, sure, you have to penalize as much as you can according to the rules.

Q Would you indicate to the crowd that you were penalizing the boxer at the time that you did it?

A If I am penalizing -- the fighter taking the round away from him. I don't have to indicate. I walk

over to the two judges at the end of the round and inform them that I am taking the round away for so and so and they must do so, including myself.

Q Do you recall how many rabbit punches Mr. Wepner hit Mr. Ali with in the first round before Mr. Ali protested to you, sir?

A I didn't count them.

Q There were a number of them, weren't there, sir?

A I wouldn't say that. I would say there was a few.

Q When Mr. Ali protested to you, in that first round, when he indicated to you, he turned to you and indicated to you like this (indicating). Did you warn Mr. Wepner at that time, sir, not to rabbit punch?

A Yes, sir.

Q Had you warned Mr. Wepner before that, sir, against rabbit punching?

A What do you mean? Before when?

Q Before Mr. Ali protested to you.

A I don't remember.

Q What is the indication that a professional boxing referee is supposed to give to the crowd and the fighters when he warns one of the fighters about a rabbit punch?

A I answered that already, two times, three times already.

Q You told us about holding. As I recall you said holding was like this, you indicate like that?

A Almost the same thing, here.

Q Rabbit punch is the same thing?

MR. SULLIVAN: He said almost.

A Almost.

Q What is the signal a professional boxing referee is supposed to give the crowd and the fighters when he warns one of the fighters against kidney punching?

A I show you by going like this (indicating).

Q Did you warn Mr. Wepner at any point against kidney punching from Ali in the Ali-Wepner fight, sir?

A Yes, sir.

Q Do you recall indicating to the crowd like that?

A I don't recall. I recall warning with my mouth. That's my roughest fight I ever worked.

Q That night in Cleveland, the Ali-Wepner fight your testimony this morning was to be fought according to the New York State rules, isn't that correct, sir?

A Right. With one exception.

Q What was that exception, sir?

A The scoring system.

Q What was the scoring system that was to be used in Cleveland for that fight?

A In Cleveland they used the 10 most point system in every round.

Q Was that the only exception to the New York rules, Mr. Perez?

A I think so, right.

Q On your scorecard whom did you give the first round to, Mr. Perez?

A I don't remember. I could tell you the -- I don't have the card with me. How can I remember --

THE COURT: Just answer the questions that youare asked.

A No. I'm sorry.

Q You don't recall awarding the first round to Mr. Wepner, Mr. Perez?

A No.

MR. SULLIVAN: Objection, your Honor.

THE COURT: Overruled.

Q I would like to show you a document which has been marked Defendant Ali's Exhibit M-30 for identification, and ask you, sir, whether this refreshes your recollection as to whether you awarded the first round to Chuck Wepner, in particular the last paragraph, sir.

A What do you want to know?

Q Does that refresh your recollection, sir, that you gave Chuck Wepner the first round?

A Yes.

Q You did, didn't you, sir?

A I just said so. According to this here.

Q Thank you, sir.

Q After the interview -- withdrawn.

After your press conference following the Ali-Wepner fight, you spoke with reporters, did you not, Mr. Perez?

A Yes.

Q Do you recall that you told reporters that Mr. Ali purposely did the rabbit punching, Chuck Wepner did not do it purposely, if there was one man who fought dirty last night, I think it was Ali?

A Yes, sir.

Q You said that, did you not?

A Yes, sir.

Q When did you say that? How long after the day of the fight, sit?

A I just said it. I answered the question. Right at the press conference.

Q Right at the press conference?

A Right at the press conference or right after the fight, whatever. I don't remember exactly. Some reporters came to talk to me.

Q Right at the press conference.

A Maybe right before the press conference. Reporters were talking to me when I was walking all the way, even in my bathroom when I was taking a shower.

Q Do you recall Howard Cosell on the telephone subsequent to the Ali-Wepner fight and before the broadcast of the Ali-Cosell interview that was played this morning?

A The answer is yes.

Q You did?

A Yes.

Q How long before you saw the program broadcast, and it was broadcast on March 29, 1975, the fight being on March 24, 1975, how long before the broadcast did you speak with Mr. Cosell on the telephone?

A I don't remember exactly. I would say about three days.

Q About three days before?

A I would say three to four days before the show went on. I don't remember exactly.

Just a second. I want to make a correction. I called Mr. Howard Cosell. I didn't speak to him. I called him but I couldn't get in touch with him, let's put it that way, three or four days before. That is the correct answer. And I spoke to him when he called me back and returned my call, I would say a couple of days before.

Q So Mr. Cosell called you back in response to your call to him?

A Correct.

Q You called him and he called you back?

A Correct.

Q Do you recall in the Cosell-Ali interview that we saw this morning Mr. Cosell saying to Mr. Ali in the course of that interview that "Tony Perez said that you outdid Chuck Wepner in the rabbit punching"?

Do you recall that point in the interview?

A Do I recall that from this morning? Yes.

Q Do you recall that you told that to Howard Cosell in your telephone conversation three or four days before that program was broadcast?

A I don't recall saying that. I don't recall.

Q I'd like to read a question and answer from a deposition taken by ABC Sports in this action against Mr. Perez on July 1 of this year and this is from page 46:

"Q In the course of the interview Howard Cosell said to Muhammed Ali that Tony Perez said, 'You outdid Chuck Wepner in the rabbit punching.'

"Do you recall telling Howard Cosell that?

"A Yes.

"Q You told him that in the course of the phone conversation on March 28?

"A I believe so, yes.

"Q What did you mean by that, that Mr. Ali threw more rabbit punches than Mr. Wepner?

"A I meant that plus also I meant that he did it purposely and flagrantly.

"Q Did you mean that he threw more rabbit punches as well?

"A Yes, purposely.

"Q Whether they were purposely or not purposely, did you intend to convey the impression to Mr. Cosell that Muhammed Ali threw more rabbit punches than Wepner?

"A Yes."

Do you recall giving those answers tothose questoins on July 1 of this year?

A If it is there, yes.

Q Do you recall also that in your telephone conversation with Mr. Cosell three or four days before the broadcast --

MR. ELDRIDGE: I have to object. The conversation was placed as on March 28 in the prior question with Mr. Cosell and the question ays three or four days before.

THE COURT: You can bring it out on cross. You'll have your opportunity.

Q Do you recall you spoke to Mr. Cosell on the telephone. You also told him that Mr. Ali was embarrassed by the bad showing he had made in his fight with Mr. Wepner?

A Yes, sir.

MR. SHARFMAN: May I have a moment or two, your Honor?

THE COURT: Go ahead.

(Pause)

Q Can you tell us, Mr. Perez, whether you read any newspapers on a regular basis, daily newspapers on a regular basis?

A Mostly, yes.

Q What are those newspapers?

A The Daily News, New York Post and the Spanish paper, El Diario.

Q Is that La Prensa El Diario?

A Right.

Q Were your reading habits the same in March of 1975 around the time of the Ali-Wepner fight, that you were reading those newspapers daily?

A Yes.

Q Do you recall that before the Ali-Wepner fight there were articles in the newspaper about Chuck Wepner training to fight dirty, training to throw rabbit punches and kidney punches against Muhammed Ali?

A I don't remember reading that.

Q You don't recall reading that?

A No.

Q Let me show you a document that has been marked Defendant Ali's Exhibit 25 for Identification and ask you whether this refreshes your recollection?

A Can I have that light, please?

THE COURT: Yes.

Q And in particular, sir, this article right here (indicating).

A I read it.

Q Does that refresh your recollection that there was pre-fight publicity that you saw about Wepner training to fight dirty?

A No, it doesn't refresh my memory at all. I never read that.

Q You never read that. All right.

Did you keep up with the newspaper articles about the fight before you learned you were going to be the referee of that particular fight?

A I told you, I read the papers but I could miss some. Icould miss a few. I go out to Jersey. I go to Pennsylvania and I go places and I miss some newspapers.

Q But you did read about the Ali-Wepner fight prior to learning that you were going to be the referee of that fight, didn't you?

A Yes.

Q Let me show you another article, a document which has been marked Defendant's Exhibit 34 for Identification, an article from El Diario La Prensa dated March 24,1975 and ask you whether this refreshes your recollection that you had seen pre-fight publicity --

A Before I read it I could tell you March 24 I was not in New York. I was in Cleveland and I missed that paper. I cannot have seen it. I don't think so. I'll look at it anyway. I was in Cleveland at this time and I stayed a couple of days there too.

Q This does not refresh your recollection, then,

Mr. Perez?

A No, sir.

Q How about this one, Mr. Perez, from March 18, the New York Post article. You weren't in Cleveland on March 18, were you, sir?

A No.

Q This has been marked Defendant Exhibit 26 for Identification.

MR. SULLIVAN: I object to reciting what article it is, your Honor, unless it is in evidence.

THE COURT: It has been identified. The contents of it have not been offered yet.

A Where?

Q Here, the first column.

A Up to there (indicating)?

Q From the headline down.

A What paper is this?

Q This is on the New York Post of Tuesday, March 18, 1975.

A First column, I read.

Q You don't recall reading this at the time?

A No.

Q Does this refresh your recollection?

A No.

mcds 7 Perez - cross

Q That you saw prefight publicity about Mr. Wepner training to fight dirty?

A No.

Q When did you learn you were going to be or you were being considered to be the referee of the Ali-Wepner fight, Mr. Perez?

A I would say on or about three days before the fight.

Q About three days before the fight?

A Around there.

MR. SULLIVAN: Your Honor, if I may, plaintiff respectfully requests a short recess. It is 3:30.

THE COURT: All right, we'll take a short recess.

(Recess)

B2 Q Mr. Perez, I show you a document that has been marked M35 for Identification, the authenticity of which has been stipulated to as an article from the March 23 La Prensa El Diario newspaper.

THE COURT: What date?

MR. SULLIVAN: I object to his reciting what a document is unless it is offered.

THE COURT: Have you stipulated to the authenticity of it?

MR. SULLIVAN: I have, your Honor

THE COURT: Then the description is appropriate.

Q Mr. Perez, does this refresh your recollection that this was prefight publicity about Chuck Wepner training to throw rabbit punches and kidney punches against Muhammed Ali?

A No, this is the 23rd. I was in Cleveland on the 23rd.

Q You were in Cleveland on March 23?

A Yes.

Q Isn't it a fact, Mr. Perez, that you didn't leave for Cleveland until the afternoon of March 23 at about 5:00 o'clock?

A I was in the airport in the morning. I missed a couple of planes. I was very early. I had prepaid tickets and --

THE COURT: Did you leave in the afternoon of March 23 for Cleveland?

THE WITNESS: Yes.

THE COURT: Were you here in New York during the day of March 23?

THE WITNESS: Right.

THE COURT: Did you read the newspapers on that day, the Spanish newspaper?

THE WITNESS: I don't think I read it that day.

That article doesn't refresh me, no, sir. I don't see it.

Q Do you recall testifying this morning that Mr. Ali had called you a white motherfucker in the first round of the fight or the early rounds of the fight?

A Yes, sir.

Q Do you recall in your exmaination on your deposition which ABC took in this case, ABC and ABC Sports on July first of this year, you were asked these questions and gave the answers at page 16 and 17:

"Q During the post fight interview you had after the Ali-Wepner fight, do you remember one of the members of the press asking you, in substance, for you to state what the fighters Ali or Wepner said to you during the course of the fight?

"A Yes.

"Q Do you recall what your response to the question was?"

A In Cleveland?

MR. SHARFMAN: I didn't finish.

"Q Do you recall what you said to the press in response to that question at that time during the post fight interview?

"Did you in substance say, 'You cannot print words they were saying to each other. They were cursing each

other.'

"Do you recall saying that?

"A Correct.

"Q In response to that question that the press put to you; is that right?

"A Correct."

Do you recall giving that answer, Mr. Perez, to the question, "What did the fighters say to you"?

A Yes.

Q Your answer at that time was that they were talking to each other, wasn't it, Mr. Perez?

A I say yes.

Q It does sometimes happen in the course of boxing matches that fighters use strong language to each other, does it not, Mr.Perez?

A Yes.

Q Is there any boxing rule or regulation against that as far as you know?

A It is illegal.

Q It is illegal?

A Yes.

Q Do you recall in your deposition by ABC on July 1 of this year being asked about the fighters using cuss words with each other and being asked the question at page 22:

"Q Is that against any boxing rule or regulation as far as you know?

"A I haven't seen anything in the book about that."

Do you recall that question and that answer, sir?

A Yes.

THE COURT: Was your answer true?

THE WITNESS: Yes.

Q Was your answer true then, sir?

MR. SHARFMAN: Now I'd like to show at this time the second round of the Ali-Frazier fight which I had so much trouble with before. We now have it set up, I hope, and I would like you, Mr. Perez, to what the second round of this fight, the Ali-Frazier fight.

(Television tape played.)

Q Mr. Perez, while listening and watching this tape in the courtroom today, did you hear any bell ring when you separated the two fighters calling the round over at the wrong time?

A No.

MR. SHARFMAN: I have no further questions on cross-examination.

THE COURT: Any cross-examination, Mr. Eldridge?

MR. ELDRIDGE: Just a question.

CROSS-EXAMINATION

BY MR. ELDRIDGE:

Q Mr. Perez, did Mr. Cosell, in your judgment, say anything about you on the Wide World of Sports program broadcast on March 29, 1975 which you considered uncomplimentary?

A I didn't hear nothing bad he said about me, no.

Q So that he, Mr. Cosell, said nothing uncomplimentary about you; is that correct?

A I want to make sure. What does the word uncomplimentary really mean? I don't understand.

THE COURT: Did he say anything defamatory about you?

THE WITNESS: No, nothing.

Q Nothing defamatory about you was said by Mr. Cosell?

A Correct.

MR. ELDRIDGE: No further questions.

THE COURT: Any redirect?

MR. SULLIVAN: Oh, yes, your Honor.

REDIRECT EXAMINATION

BY MR. SULLIVAN:

Q Mr. Perez, did you listen to that same tape many times in my office?

MR. SHARFMAN: Objection, your Honor.

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THE COURT: Overruled.

A Yes.

Q And when you listened to it in my office and you got up close and you listened two or three times, did you then hear a bell when you stopped the fight?

MR. SHARFMAN: Objection.

MR. ELDRIDGE: Objection.

THE COURT: Overruled.

A I hear some noises, something that sound like it.

Q Sound like what?

A It might sound like the bell, the far sound --

THE COURT: Like a what?

THE WITNESS: Yes, it seems like a bell over-shadowed by the noise of the crowd.

Q The first time in my office that you listened to that tape, did you hear the bell that time, the first time?

A No.

Q The second time?

A I don't think so.

Q The third time?

A After a few times somebody called my attention to it. Then I really put -- because there had to be real silence to hear that little noise.

Q Mr. Perez, do you recall whether or not one of

the two judges in the Wepner fight also awarded the first round to Mr. Ali?

A Well, I didn't recall it at the moment, but when he show me some papers, now I remember now that one judge was also giving Wepner the first round. When he show me the papers, I saw it, the voting of the judges. I saw it.

Q You told Mr. Sharfman that both fighters had cursed each other; correct?

A Yes.

Q Did Wepner at any time curse at you -- Wepner?

MR. ELDRIDGE: Objection by ABC and ABC Sports, your Honor.

THE COURT: No, I'll allow it.

A Wepner never say anything wrong to me.

Q To you; is that correct?

A No.

B3 Q Let's talk about March 23rd. Tell me what happened on March 23rd at the airport.

MR. SHARFMAN: Objection.

THE COURT: I think that is too indefinite. I don't know what it will lead to. Suppose you correct the form.

MR. SULLIVAN: All right, sir.

Q You left New York at about 5:00 o'clock in the

afternoon for Cleveland on March 23; correct?

A Yes.

(Continued on next page.)

Q All right. What airport did you fly out from?

A From LaGuardia.

Q Do they sell El Diario at LaGuardia Airport?

A I don't see it there.

Q What time did you get to LaGuardia Airport on that day?

A Early in the morning.

Q What happened that you got there early in the morning and you didn't leave until 5:00 o'clock?

A I had trouble with the prepaid tickets. They were supposed to be at the counter and they were not. There was a lot of trouble. I couldn't get out. I missed a few planes, too.

Q Mr. Sharfman asked you about the phone call to Mr. Cosell, do you remember that?

A Yes.

Q The comments that you made to Mr. Cosell in the telephone call, you told Mr. Sharfman they were before the broadcast of Wide World of Sports with Mr. Cosell, is that correct?

A Correct.

Q But, were they before what was your telephone conversation with Mr. Cosell and those comments that Mr. Sharman asked you about, were they before or after

Mr. Ali's statements at the press conference right after the fight?

A No, that was after they spoke to Mr. Cosell. I was already back in New York.

Q Did you hear Mr. Ali's comments at the press conference?

A Yes.

MR. SULLIVAN: Your Honor, at this time --

MR. SHARFMAN: Your Honor, may I object?

THE COURT: Object to what?

MR. SULLIVAN: I didn't do anything.

MR. SULLIVAN: At this time, I would like to play the tape of Mr. Ali at that press conference, the remarks Mr. Perez heard before the television conversation to Mr. Cosell.

THE COURT: How is that redirect examination?

MR. SULLIVAN: Mr. Sharfman questioned Mr. Perez about what comments he made to Mr. Cosell, whether they were dirty fighting, et cetera, and he stressed that they were before Mr. Perez heard Mr. Ali on the program with Mr. Cosell, and he stressed who spoke first, et cetera. Mr. Perez has just testified now that he heard Mr. Ali at the press conference making remarks that he did before he spoke to Mr. Cosell.

THE COURT: I am going to permit you to do it. I don't think it is proper redirect. I will allow you to reopen your direct examination for that purpose.

MR. ELDRIDGE: ABC Sports and ABC will have an additional objection.

MR. SHARFMAN: Your Honor, I would like to object to this procedure.

THE COURT: The objection is overruled.

(Tape played.)

THE COURT: You represented that as being a purported statement of Ali that the plaintiff Perez claims he saw before Cosell examined him. Nothing about Ali has been shown thus far, and that should not have been shown under that representation.

MR. SULLIVAN: I'm sorry, your Honor.

A VOICE: I will get the exact place for you.

THE COURT: When you announce you are going to do something and I allow it, don't change the bidding.

Court's Exhibit 10 has been marked. The tape, insofar as it has to do with the alleged inteview that was allegedly shown to this witness before he allegedly was interviewed by Cosell, may be shown, but not the rest of that stuff that has been improperly presented thus far.

MR. SHARPMAN: Your Honor, the testimony by the witness is not that he --

THE COURT: Please, the testimony isn't what has been represented. You bring it out on recross.

(Tape of press conference played.)

(Off the record.)

THE COURT: The Court's Exhibit has been played.

MR. SULLIVAN: Plaintiff's Exhibit 4 for identification.

THE COURT: With reference to Plaintiff's Exhibit 4 for identification which has just been played, I have received Court's Exhibit 11, and the objection there goes to matters of law that are to be dealt with at a proper time in the case, but it is not a proper objection to the playing of Exhibit 4. It is consequently overruled.

Anything else?

MR. SULLIVAN: Yes, your Honor.

BY MR. SULLIVAN:

Q Mr. Perez, do you remember when Mr. Sharfman asked you these questions and these answers from the examination before trial. Page 155, line 25.

THE COURT: Do you have an extra copy of that deposition over there? The original should have

been filed in court.

MR. SHANMAN: Yes.

(Handing.)

MR. SULLIVAN: Page 155, your Honor, line 25.

Q Mr. Perez, do you remember these questions and these answers from the EBT that Mr. Sharfman asked you a few minutes ago:

"Q What is your understanding of the purpose of the lights on the poles?

"A The lights will go on at the end of a round.

"Q Did anyone at any time ever tell you that?

"A I knew it.

"Q Did anyone tell it to you?

"A They keep telling those things over and over."

Do you remember him asking you those questions and those answers?

A Yes.

Q Do you remember being asked on the next line the following two questions in the same sequence?

THE COURT: What page?

MR. SULLIVAN: Right after that, your Honor.

THE COURT: What page?

MR. SULLIVAN: 156, line 8, right where Mr. Sharfman had stopped, your Honor.

Q "Q Before every fight you referee at Madison Square Garden?

"A No, not really, they don't tell you.

"Q When do they tell you about the lights on the pole?

"A In the beginning when you start as a referee in the garden."

Do you remember those questions and those answers in that sequence?

A Yes.

MR. SULLIVAN: No further questions.

THE COURT: Any recross?

MR. SHARFMAN: A question or two, your Honor.

RECROSS EXAMINATION

BY MR. SHARFMAN:

Q Mr. Perez, on the evening of the Frazier-Ali fight at Madison Square Garden you refereed, you knew what the purpose of the lights on the poles in the ring was, didn't you, sir?

A Right.

Q As to the tape that the jury just saw, you never saw that tape before today, did you, sir, is that correct?

A It is not.

Q You never saw that tape other than in connection with this lawsuit, did you, sir?

A Right.

THE COURT: In other words, the first time you saw that tape was after this lawsuit was started?

THE WITNESS: I just told him this is not -- he asked me if this is the first time that I saw that. I said it is not the first time.

THE COURT: You are not answering my question.

THE WITNESS: I'm sorry.

THE COURT: Did you see the tape, Exhibit 4, for the first time after April, 1975 when this lawsuit was started?

THE WITNESS: Correct.

THE COURT: So you didn't see it before the interview with Cosell, did you?

MR. SULLIVAN: Could we clarify "it", please?

THE WITNESS: That is correct.

THE COURT: "It" meaning Exhibit 4.

MR. SHARFMAN: I have no further questions.

REDIRECT EXAMINATION

BY MR. SULLIVAN:

Q Mr. Perez, you didn't see the tape, the exact tape of it, before the Cosell phone call, but you did

see and hear the --

THE COURT: Just a minute, are you telling him what he saw?

MR. SULLIVAN: No, your Honor.

THE COURT: The tape was presented previously to the Court and the Court allowed it over an objection because it was allegedly shown to the witness on the stand now, before Cosell asked him questions.

MR. SULLIVAN: I don't think that is correct, your Honor.

I will ask one more question and try to clarify it.

THE COURT: I am sure it is not correct in the light of his last answer.

He said he didn't see it until the lawsuit started, long after the Cosell interview.

MR. SULLIVAN: Yes, sir, that is correct.

Q Mr. Perez, not the tape, but did you see it and hear it live when it happened before the Cosell phone call?

A Yes. I saw it live when it happened the night in the Coliseum.

Q The tape is a tape of what you saw live happen before the Cosell phone call, is that correct?

MR. SHARFMAN: Objection, your Honor.

THE COURT: Overruled.

A Yes.

MR. SULLIVAN: No further questions.

MR. ELDRIDGE: Your Honor, I have one question, if I may.

RECROSS EXAMINATION

BY MR. ELDRIDGE:

Q You never saw that tape broadcast over any ABC stations, did you, sir?

A No, sir.

MR. SHARFMAN: Just one or two questions, your Honor.

RECROSS EXAMINATION

BY MR. SHARFMAN:

Q Mr. Perez, at the time you say you heard and saw what was on that tape when it occurred, the first time you saw, you heard and saw in person what you just saw on the tape here in the courtroom, that was after your press conference with reporters after the Ali-Wepner fight, wasn't it, sir?

A I want to make sure I understood it right.

THE COURT: What he is saying to you, to get it chronologically, to put it simply, is that you had

a conference?

THE WITNESS: Yes.

THE COURT: You made whatever statements you made, and then at a later time this business which is on Exhibit 4 occurred?

In other words, that came later in point of time than the time when you made your first statements?

THE WITNESS: Correct; after me, correct.

THE COURT: Anything else?

MR.SHARFMAN: That's all.

THE COURT: Thank you very much. Step down. Next witness.

MR. SULLIVAN: I call Muhammed Ali.

M U H A M M E D A L I, called as a witness by the plaintiff, being first duly affirmed, testified as follows:

DIRECT EXAMINATION

BY MR. SULLIVAN:

Q Mr. Ali, on the night of the Chuck Wepner fight, approximately how much did you weigh?

A I can't recall.

Q What was your height?

A Six foot two and a half.

Q When, sir, did you first start to fight

professionally?

A 1960.

Q Before that time, sir, how many amateur fights had you had?

A About 108.

Q Approximately how many professional fights have you had up until today?

A I'm not sure. About 50.

Q Did you, sir, participate in a fight in Puerto Rico involving a Mr. Cooperman?

A Yes, sir.

Q Can you tell me, sir, the approximate time of that fight?

A No, sir, I can't recall.

THE COURT: How do you spell the name of the other party?

THE WITNESS: Cooperman, C-o-o-p-e-r-m-a-n, I think.

Q Mr. Ali, was it before or after you fought Joe Frazier for the second time that you fought Mr. Cooperman?

A I think it was after.

Q Was it before or after the Wepner fight?

A I think it was before.

Q Did you, sir, at any time prior to the fight, prior to the Wepner fight, object to Tony Perez being the referee?

MR. ELDRIDGE: I object on behalf of ABC and ABC Sports.

A No, sir.

Q When, for the first time, did you know that Mr. Perez was going to referee that fight?

A When I stepped in the ring and saw him.

Q Had you seen him the day before?

A No, sir.

Q You hadn't spoken to him the day before?

A No, sir.

Q Isn't it a fact, Mr. Ali, that you did see Mr. Perez the day before the fight just before the weigh-in?

A No, sir.

Q Did you see his girlfriends the day before the weigh-in?

THE COURT: Leave that out.

Q Mr. Ali, isn't it a fact that you not only saw Mr. Perez the day before the weigh-in, but that you spoke with him, that you said, Hello Tony; that he said, Champ, will you take a picture with you and my girl, that he took the picture with you and his girl and that

you said to him at that time, Tony, you just lost your girl, isn't that a fact?

A No, sir, I can't recall that.

Q I show you this picture, Mr. Ali, Plaintiff's Exhibit 37 for identification --

THE COURT: Since this is a collateral matter, you are bound by the responses, having called this witness.

Q I ask you, Mr. Ali, simply if that refreshes your recollection?

A No, sir, I can't remember, sir, can't remember this at all. I don't know his girlfriend.

Q Did you have any idea as to -- withdrawn.

Do you remember, Mr. Ali, anything about Mr. Radamacher being appointed to referee that fight?

A No, sir.

MR. ELDRIDGE: I have to object to that.

THE COURT: It is a collateral matter, again, and the witness has given his answer which concludes the question, for the present.

Q When you climbed into the ring and you saw Tony Perez in the ring, did you express any concern to your managers that the man who had tried to cheat you in the Frazier fight was about to referee this Wepner

fight?

MR. ELDRIDGE: ABC and ABC Sports object to this.

THE COURT: Sustained.

A No, sir.

MR. ELDRIDGE: We move to strike the response.

THE COURT: The response is stricken as to ABC Sports.

Q Mr. Ali, I show you Plaintiff's Exhibit 30 for identification and directing your attention just to the date and the picture, does it refresh your recollection as to whether the Cooperman fight in Puerto Rico was before or after the Wepner fight?

A I don't know, sir.

Q The Wepner fight was on March 24, 1975, is that correct?

A I don't know, sir, I can't recall. I truly don't remember the dates.

Q Mr. Ali, assuming now that the Wepner fight was fought on March 24,1975, assuming that -- with that assumption, looking at the date on that article, would that refresh your recollection as to whether or not the fight in Puerto Rico with Cooperman was before or after Wepner?

A This date is in Spanish. I can't understand it. The month is in Spanish. I can't read Spanish.

Q Well, Mr. Ali, let me ask you this question:

Forget the month, forget the date, just look at the year, that's in English. Assume that the Wepner fight was March 24, 1975, looking at the --

THE COURT: Are you showing him a foreign language document?

MR. SULLIVAN: The date is in English.

It is a Spanish newspaper.

THE COURT: He says it is in Spanish, and he doesn't understand Spanish. You can show him a date on your diary, if you want to, but it doesn't make it evidence here.

MR. SULLIVAN: I am only referring him to the picture, the picture and the date which is in English, nothing more.

THE COURT: The date is in English?

MR. SULLIVAN: The year is in English.

THE COURT: In connection with what, in connection with something that you haven't established through this witness.

Q Mr. Ali, the photograph --

MR. SULLIVAN: I will withdraw it.

THE COURT: Let me see that.

MR. SULLIVAN: Of course, your Honor.

(handing.)

THE COURT: Do you recognize the picture, the person in that picture?

THE WITNESS: Yes, Mr. Cooperman. I think this is in New York at the signing of the contract.

Q The signing of the contract of the Cooperman-Ali fight?

A Yes, sir.

Q Recognizing that picture as the signing of the contract for the Cooperman-Ali fight and looking at just the year on the newspaper which your lawyer has stipulated --

THE COURT: Please, don't be giving any evidence. You ask the proper questions without sticking in any of your own statements. Just ask the questions straight out.

Q Does that refresh your recollection that the Cooperman fight was in 1976 and after the Wepner fight?

A I imagine it was 1976, sir, but I don't really know when the Wepner fight was.

Q Did you object -- withdrawn.

Did you, sir, say at the signing of that

you would like to have Tony Perez referee that fight in Puerto Rico?

MR. ELDRIDGE: Your Honor, the Defendant ABC and ABC Sports objects to the statement for certain reasons.

THE COURT: Overruled.

Q Did you say that, sir, at the interview?

A Could I make a statement, sir?

THE COURT: He wants to know --

A I can't recall. I know I made it somewheres but I don't know if it was exactly that fight.

Q Somewhere around the time of the Cooperman fight you made the statement that you would like to have Tony Perez referee that fight?

A I said I don't think it is right for a man not to be able to earn a living because he is on trial, and he should. I don't want to say that I am the cause of him not earning a living, so I offered him the chance to referee a fight.

Q This was after he had tried to cheat you in the Frazier fight, correct?

MR. SHARFMAN: Objection, your Honor.

THE COURT: Sustained as to form.

Q It was after -- withdrawn.

The statement you made that you just told us that you didn't think he should be deprived from making a living, that you would like him to referee that Puerto Rican fight --

MR. SHARFMAN: Objection, your Honor.

THE COURT: Strike out that statement. The jury will disregard soliloquies and comments by lawyers and conclusory statements. Pay attention only to what the witness responds. The question and its implications are not evidence and are not to guide you in the slightest way, no matter how they are framed.

Q When you said, sir, that you would like Mr. Perez to referee the fight in Puerto Rico because he shouldn't be deprived from making a living, when you said that, was that after you had made the statements -- after you had appeared on the Cosell Wide World of Sports show concerning the Wepner fight?

MR. ELDRIDGE: Objection, your Honor.

THE COURT: Overruled.

A I am not positive, but I think so.

Q Did you, sir, notify anyone of an objection to your having Tony Perez referee the fight that you fought just a couple of weeks ago in Yankee Stadium against Ken Norton?

MR. ELDRIDGE: ABC and ABC Sports objects to this.

THE COURT: It is irrelevant.

THE WITNESS: Would you repeat the question, sir?

THE COURT: You need not answer that.

THE WITNESS: All right.

Q Mr. Ali, do you, sir, believe, today, that Mr. Perez was paid by gangsters for his conduct in the Joe Frazier fight?

MR. ELDRIDGE: Objection, your Honor.

MR. SHARFMAN: Objection, also, your Honor.

THE COURT: You may answer.

A Yes.

Q Do you believe, sir, that Mr. Perez had bet on Frazier in that fight?

MR. ELDRIDGE: ABC and ABS Sports object to the question.

THE COURT: Overruled.

A I can't say I know for sure, but all the evidence in the movies and everything that I have gone through truly make me believe. I can't point a finger at nobody, but I believe it. I truly believe it.

THE COURT: Did the jury hear that response?

Q My question is, do you still believe?

A Yes, sir, more so after hearing him testify today.

Q Do you, sir, believe today that Tony Perez is a racist?

MR. ELDRIDGE: On behalf of ABC and ABS Sports I have to object.

THE COURT: You may answer.

A I'm not sure, sir. I can't say he is. I'm not God, and I can't say he isn't. I'm just not sure.

Q I know you're not sure. The question is do you believe.

A No, sir.

Q So when you said that you were going to make

films and go to Watts and preach the sermon of hate against Mr. Perez, when you said that, did you mean that?

MR. SHARFMAN: Objection, your Honor.

THE COURT: Sustained.

A Proof I said --

THE COURT: You need not answer.

THE WITNESS: Sorry.

Q Did you make that statement, sir?

A The sermon of hate, no, sir, I didn't say hate. I said I'd preach a sermon in every mosque, in every Watts. I was angry at the time. I never did -- I said I was preaching a sermon on injustice and racism and evil that is allowed to be practiced at that time. I'm not angry. He's my brother in religion and God.

That official also there at ringside and the State Commission, none of them penalized him for doing that, so I'm going to preach against this individual, against what he done to me. I'm not against that man. He's a brother in the flesh.

Q Did you say you were out to get the referee?

MR. ELDRIDGE: ABC and ABC Sports object, your Honor.

THE COURT: Overruled.

Q Did you say that?

A Not in the way you interpret it.

Q Forget about my interpretation. I'm sorry if I interpreted it wrong.

THE COURT: You can't forget interpretation. If you don't want to ask your question, don't ask it.

Q Regardless of any interpretation, did you say those words?

A Yes, sir, that is right, on tapes. They don't lie.

Q Did you mean it at the time, sir?

A Yes, sir.

Q Do you still believe today, sir, that Tony Perez is not white and not black but he's Puerto Rican trying to be white?

MR. ELDRIDGE: ABC and ABC Sports must object to this line of questioning.

THE COURT: Sir, I will not permit it. That is excluded and the jury will ignore the question entirely as having no relevance to the issues in this case.

Q Do you still believe, sir, today that Mr. Perez is a Puerto Rican and that all Puerto Ricans are dirty?

MR. ELDRIDGE: Objection, your Honor, ABC and ABC Sports object.

MR. SHARFMAN: Objection.

THE COURT: I also rule that out. That has no relationship whatever --

THE WITNESS: I never said that. It is terrible.

THE COURT: -- to the issues before the Court and the jury under the terms of the concession that these are two public figures.

Q Did you say, sir, that Mr. Perez was a Puerto Rican and --

THE COURT: I have ruled that out. Please don't repeat it.

MR. SULLIVAN: All right.

THE COURT: That is not an issue in this case and it is to be disregarded entirely by the jury.

Q Mr. Ali, I show you Plaintiff's Exhibit 9 for identification. I direct your attention to page 8 and ask you, sir, is that your signature?

A Yes, sir.

Q You are, sir, familiar with the book, The Greatest - My Own Story, Muhammed Ali, are you not?

A No, sir.

MR. SHARFMAN: Objection, your Honor.

THE COURT: The witness has said no.

A No, sir.

Q Did you not, sir, work six years with Mr. Durham

on that book?

A No, sir.

Q Did you work with Mr. Durham at all on that book?

A A little bit, very little.

MR. ELDRIDGE: ABC and ABC Sports object.

THE COURT: I think that line is concluded. You can't call a person to the witness stand to do what you are attempting to do. This is your witness.

MR. SULLIVAN: I understand, your Honor.

THE COURT: And except for the issues that are correctly relevant to this case -- you can go into those, but you can't go into these side points for the purpose of contradicting the witness.

Q Mr. Ali, all of the scenes that you heard on the Wide World of Sports tape with Mr. Cosell, you did say those things, didn't you?

A Yes, sir.

Q And all of the things that you heard on the tape of the press conference, you did say those things?

MR. ELDRIDGE: ABC and ABC Sports object to this.

THE COURT: I think it asks the same thing that you are raising constantly and unnecessarily. I told this jury, and I'll repeat it again -- and please don't make it

necessary for me to repeat it a third time in this trial -- that where evidence relates to one party and does not relate to another, the jury will so understand.

MR. ELDRIDGE: I believe I can make an objection for the record.

THE COURT: I don't believe that you do in the light of my very lengthy statement at the beginning to the jury. It only confuses and interrupts the trial.

MR. ELDRIDGE: I didn't mean to interrupt, sir.

Q In round 2 of the Frazier fight, which Mr. Perez stopped early -- withdrawn.

Do I understand that --

THE COURT: You better start again. We are not passing on your understanding.

MR. SULLIVAN: I'm sorry.

Q When you said Mr. Perez had been paid by gangsters and had bet on Joe Frazier --

MR. SHARFMAN: Objection, your Honor.

THE COURT: Sustained.

1 p.m.

Perez Q Why do you feel, sir, that Mr. Perez stopped the fight short in the second round?

Tk5 B2 p.m. A Sir, I received a phone call on the day of the fight about 12:00 Noon and they just said, "We not worried about you, we have the referee," and hung up, and I know that every time the bell rings it is real loud. You can hear it all over the whole stadium.

Q Mr. Ali, can you keep your voice up?

THE COURT: The reporter will read the question.

(Question read.)

A You can hear it from what they call the pigeon area way up high all over the arena. You can hear the bell real loud. The referee is just about closer to the bell than anybody, plus if the bell don't ring you have all the lights and they come on real bright. I think they make a hum, a buzz, too, and I didn't hear nothing and I always look for this, and I know -- I know he didn't hear it, but I know Frazier was rocked and for the first time Frazier was running. Frazier never did he retreat in all our three fights. Cosell said he was wobbly. I saw his knees buckle. I had 25 seconds to get him. Just as soon as I had him going the referee stopped it and acted as though something funny happened. Frazier, he come back, and I started on Frazier again and the bell had rung.

I truly believe that he had had a bet with somebody on

how long, who would win or somebody had told him if he could help them get -- he may say a hundred thousand dollars, and these things can happen. That is what I believed.

Q When did you get the phone call?

A Around 12:00 Noon, something around 12:00 o'clock, as I was resting.

Q Who made the phone call?

A Sir?

Q Who made the phone call to you?

A I don't know who made the phone call to me.

Q Do you have any idea at all who you were talking to?

A No, sir.

Q It was an anonymous phone call?

A Naturally.

Q Just one phone call?

A Yes.

Q At 2:00 o'clock in the afternoon?

A No, sir, I said 12:00.

Q Oh, 12:00, I'm sorry. 12:00 o'clock Noontime?

A Around 12:00. I don't know exactly. I wasn't watching the clock.

Q Just before he had stopped the fight and you said you had Frazier wobbly, had you hit him real hard with

a right?

A Yes, sir.

Q Real hard?

A Yes, sir. In the film you could see his knees wobble. He was falling backwards.

Q Are you sure that you hit him real hard?

A Yes, sir.

Q Now, you said Mr. Perez pretended to hear a bell; is that correct?

MR. SHARFMAN: Objection.

A I say he pretended. I thought he pretended.

THE COURT: Overruled.

Q Did you, sir, ever tell anybody that the timekeeper rang the bell too soon?

A No, sir.

Q Did you, sir, ever say, "I wasn't sure I hit him that hard"?

A No, sir.

Q I show you Plaintiff's Exhibit 9 for Identification, Mr. Ali, and direct you to that paragraph (indicating).

MR. SHARFMAN: Objection, your Honor.

MR. ELDRIDGE:: Objection on behalf of ABC and ABC Sports.

THE COURT: The jury will understand that there

is nothing that this lawyer is reading from that is in evidence in this case. I haven't admitted it and it is not to be recognized as evidence and the fact that he allegedly reads from it doesn't make it evidence and doesn't make it appear on the page either because it is not evidence.

THE WITNESS: Can I say one thing, your Honor?

THE COURT: Please.

A Yes, sir.

Q Does this refresh your recollection that you had once said --

THE COURT: No, don't read from that book.

Q Does that refresh your recollection?

A I just want to say I didn't write this book so --

Q Just read that paragraph and tell me if that refreshes your recollection that you had said that the timekeeper rang the bell too soon and you said that you did not go after Frazier because you weren't sure that you hit him that hard because your hands hurt and you were saving your hands?

A No, sir, I never said that. I never have said that. As a matter of fact, I didn't write the book. My writer wrote it.

Q Your writer wrote it?

A My writer. I gave him a little information about

where I was born and my manager read it to make sure that there wasn't anything against my religion. I didn't write that book.

Q Did you ever read that book?

A No, I never read over 20 pages in my life.

Q Did you ask your writer if there was anything false in the book?

THE COURT: We have had enough of the book because the book is not in evidence.

Q Mr. Ali, in the Ali-Quarry fight, the first fight that you had that involved Mr. Perez as a referee, did you have any complaints about Mr. Perez' refereeing?

A I don't remember him as being the referee. He probably was, but I didn't know him at the time nor have I had any bad experiences. I truly cannot remember. I can't remember him refereeing that fight.

Q Do you remember, Mr. Ali, being asked questions at a deposition in this case in 1975 by a gentleman from my office at the office of your attorney? Do you remember a man from my office, a Mr. Napoli, asking you questions on the deposition?

A I remember sometime a man, but I can't remember who the man was.

Q Do you remember being asked questions?

A Yes, sir.

Q Did you read this deposition at any time prior to coming to court today?

A No, sir.

Q You never read it?

Did you ever sign the deposition?

A I can't recall, sir. If my signature is on it, if my signature is there, I did, but I can't recall.

Q Do you remember being asked these questions and giving these answers at that deposition beginning at page 22, line 20:

"Q Now, Mr. Ali, when was the first time you ever met Mr. Perez?

"A Whenever the first fight was.

"Q When you say the first fight what are you referring to?

"A The Quarry fight."

Do you remember those questions and those answers?

A No, sir.

I'd like to say a few words about the Quarry fight. I'm not saying it wasn't, but as of this moment I can't remember his having been there, being there.

MR. SULLIVAN: I ask, your Honor, that the requirement of signing the deposition be waived.

THE COURT: Nobody stopped you.

B3 Q Do you remember being asked these questions and giving these answers? This is at page 24, line 23, continuing in the line of questions about the Quarry fight:

"Q Now, with respect to that fight, did you have any complaint with respect to Mr. Perez' refereeing?"

MR. SHARFMAN: There is an objection as to the form at the deposition concerning that question.

THE COURT: Was the question answered?

MR. SULLIVAN: Yes, your Honor.

THE COURT: Read the answer.

MR. SULLIVAN: The answer was "No."

Q Do you remember that question and answer?

A I don't remember it, no, sir.

Q Does that refresh your recollection as to whether or not you had any complaints about Mr. Perez at the first fight?

A I just said I don't remember him, but I had no trouble out of him. Until then I just mentioned there wasn't nothing.

Q Would you please --

A I just said before you read this that I can't recall who was the referee and I had no complaints with him at that time.

Q How did that fight end?

A I stopped him about the second or third or fourth round, as I recall.

Q If I told you, Mr. Ali, that at the end of the third round, before the fourth, the referee stopped the fight because Mr. Quarry had a big cut, you could see the bone, would that refresh your recollection?

A If that is what happened, I can't lie about that. I don't know. Still don't know exactly it was the third.

Q Up until that time in the fight, in your opinion how was that fight going between you and Mr.Quarry?

MR. SHARFMAN: Objection.

THE COURT: Sustained.

Q When that fight was stopped by the referee, had you, sir -- had you ever been hit with kidney punches?

A Yes, sir.

Q In amateur fights?

A I can't remember, sir. It is too long ago. I'm sure I have, but I can't remember.

Q You can't remember?

A No.

THE COURT: I think we'll stop here until tomorrow morning at 10:00 o'clock.

(Trial adjourned until October 14, 1976 at 10:00 a.m.)

Perez

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Anthony Perez, Jr.,

-vs-

Muhammed Ali, a/k/a
Cassius Clay,

75 Civ. 1824

-vs-

ABC, Inc. and ABC Sports, Inc.

New York, New York
October 14, 1976--10:10 a.m.

(Trial resumed; jury present.)

Tkl a.m.

M U H A M M E D A L I, called as a witness by the plaintiff, having been previously duly sworn, testified further as follows:

DIRECT EXAMINATION CONTINUED

BY MR. SULLIVAN:

Q Mr. Ali, I show you Plaintiff's Exhibit 38 for Identification and ask you at the bottom of that page, is that, sir, your signature?

A Yes, sir.

Q Did you sign this document?

A Yes, sir.

MR. SULLIVAN: I offer this document in evidence.

MR. SHARFMAN: Let me see it.

(Pause)

THE COURT: Objection sustained. Mark it for

identification.

(Plaintiff's Exhibit 38 marked for Identification)

MR. SULLIVAN: Your Honor, may I see the court exhibit that states the grounds?

THE COURT: I beg your pardon?

MR.SULLIVAN: May I see the court exhibit that states the grounds of counsel's objection?

THE COURT: Yes.

MR. SULLIVAN: Thank you, your Honor.

THE COURT: Apart from the criticism suggested there, I don't see how this matter is relevant in the plaintiff's case.

The objection is marked Court Exhibit 12.

(Court Exhibit 12 marked for Identification.)

Q Mr. Ali, when did you first win the title?

A February the 25, 1964 in Miami, Florida.

Q Was the title ever taken away?

A In a way. In a way, yes.

Q In what way?

MR. SHARFMAN: Objection.

THE COURT: Sustained; irrelevant and immaterial.

Q Was there a period of time, Mr. Ali, in the late 1960s when you did not box?

A Yes, sir.

Q Approximately how long was that period of time?

A About 3-1/2 years, sir.

Q Now, during that time, what did you do?

MR. SHARFMAN: Objection, your Honor.

THE COURT: Sustained, irrelevant and immaterial.

Q How do you, sir, prepare for a fight?

MR. SHARFMAN: Objection, your Honor.

THE COURT: Sustained, irrelevant and immaterial to the issues as posed by these cases.

Q How, Mr. Ali, did you train for the Wepner fight?

MR. SHARFMAN: Objection, your Honor.

THE COURT: Overruled.

A Like I do for all fights.

Q How was that, sir?

A I run in the mornings from 5:00 to 8:00 o'clock. Sometimes I'm up at 5:00, 6:00 or 8:00.

MR. SULLIVAN: It is difficult to hear, your Honor.

THE COURT: Turn up the volume a little bit. Don't you pay any attention to this microphone. We'll adjust the microphone. You just talk in your ordinary voice.

THE WITNESS: Yes, sir.

THE COURT: All right.

A I run in the mornings, 5:00 o'clock, 6:00 o'clock, sometimes 7:00 and 8:00. After I run I'm back for breakfast around 9:00 or 10:00, a light breakfast. Then I'm resting, watching television or something until about 2:00 o'clock. Then I'm in the gymnasium. Then I'm boxing about three rounds at the average, punching the heavy bags about two rounds, speed bag about two rounds. Then I jump rope about two rounds. Then I do some exercises, and that is over at 3:30, from 2:00 to 3:30.

Then I'm back to the hotel or wherever I'm staying. Then I'm resting until about 6:00 or 7:00 o'clock, have a dinner, then take a walk or watch a movie, and at 10:00 o'clock or at the latest 11:00 I'm in bed.

Then the same thing the next day for about the average of five weeks before each fight.

Q What sparring partners did you use in preparation for the Wepner fight?

MR. SHARFMAN: Objection, your Honor.

THE COURT: Sustained as irrelevant and immaterial.

The claim here is that these two public figures had things to say about each other which are complained of, and while we may be interested in the circumstances of the conduct of the parties in the ring and in the press conferences that followed, I see no reason for going into this

collateral information in advance of the fight and particularly not on the plaintiff's direct examination or the plaintiff's direct case.

MR.SULLIVAN: Your Honor, we have stayed away from stating reasons, etc., but since I consider this --

THE COURT: There is no reason why you should stay away from anything. You are here to represent your client to the fullest. If there is anything that you want to call to my attention there is a mechanism for doing it.

MR.SULLIVAN: Yes, your Honor.

THE COURT: That mechanism does not include making speeches before the jury.

MR. SULLIVAN: I was saying we have not done so.

THE COURT: I understand you haven't done so, so you use the mechanism that is available.

MR. SULLIVAN: Yes, your Honor.

I would like to state my reasons on the record without the presence of the jury.

THE COURT: You may state them in writing. We'll take a pause for you to do that.

MR.SULLIVAN: I suggest, your Honor, to write them out would be a lengthy pause.

THE COURT: I'm concerned with that, not you.

Please do what I have suggested. We have convened for the purpose of trying this case without any delay.

(Pause)

Q Mr. Ali, who is Drew Bundini Brown?

MR. SHARFMAN: Objection, your Honor.

THE COURT: Overruled.

A He is one of my trainers.

Q Does he work with you before the fights?

A Yes, sir.

Q Does he help you plan the strategy for the fight?

A No, sir.

Q Who does?

A Nobody but me.

Q Do you discuss your strategy at all with Drew Bundini Brown?

A No, sir.

Q In boxing language, what is the meaning of "the traffic cop"?

A Sir?

Q In boxing language, what is the meaning of the words "the traffic cop"?

A There is no such --

MR. SHARFMAN: Objection.

A There is no such thing as a traffic cop. There is no such thing in boxing.

Q Is the referee ever referred to as the traffic cop?

A I don't know. Not by me.

Q Was it not, sir, your stategy to, after landing blows in the Frazier fight, to then hold Frazier until the referee broke you up?

A No, sir, never hold. Never hold. I have what we call tie-up, clinch, but we never hold.

Q Is there holding in a fight?

A I heard it, but I don't hold. The blows -- I take my hands hold them off, but I can't hold a man with my gloves.

Q Did you hold at all in the Frazier fight?

A No, sir.

(Pause)

(Continued on next page.)

Q In the Ohio fight, Mr. Ali, what rules of boxing were you fighting under?

A I don't know, sir.

Q Do you remember sir, a second ago when you told me that you didn't do any holding in the Frazier fight?

A No, sir.

Q You did not, sir, is that correct?

A No, sir.

Q Do you remember testifying at the EBT under oath at your lawyer's office --

MR. SHARFMAN: Your Honor, I object.

THE COURT: You may go ahead and take his question.

Q On December 4, 1975, do you remember getting question and giving this answer at the examination before trial:

"Q Did you do any holding in the 15th round?"

I'm sorry, just a second. That is withdrawn.

THE COURT: You withdraw that?

MR.SULLIVAN: Yes, sir, I had the wrong fight.

Q Do you remember this question and this answer at page 263, line 6, at that EBT:

"Q Pursuant to what rules did you know the Wepner-Ali

fight to be conducted under?

"A New York rules."

Do you remember that question and that answer?

A No, sir. If they were the New York rules, then they were. I don't remember.

Q At the time you gave this deposition, you told the truth throughout, did you not?

A Yes, sir. My -- it was the New York rules, now.

Q Does Chuck Wepner have a particular style of fighting?

A From what I have seen, yes.

Q What is that tyle?

A Throwing million,million foul blows like rabbit punches and kidney punches.

Q Did you prepare for that style in your training?

A I tried the best I could.

Q Did you not bring in sparring partners to throw rabbit punches at you?

A No, sir. I have some. I have sparring partners.

Q Did you instruct these sparring partners that you have to throw rabbit punches at you?

A No, sir. They hurt. I would be too soft for the fight.

Q Did you instruct these sparring partners to

throw kidney punches at you?

A No, sir.

Q Are referees known for particular styles of refereeing?

A I don't know, sir.

Q Who is Herbert Muhammed?

A My manager.

Q Where did you meet him?

MR. SHARFMAN: Objection, your Honor.

THE COURT: Sustained.

Q Is he the one who advised you to write the book, The Greatest?

MR. SHARFMAN: Objection, your Honor.

THE COURT: Sustained.

Q What kind of foul in New York State is a rabbit punch?

A I don't know what they call a rabbit punch, sir.

Q What kind of a foul in New York State is a kidney punch?

A I don't know what they call -- I knew what a kidney punch is and a rabbit punch, but I don't know what they call them.

Q Are you aware -- withdrawn.

Who is Richard Durham?

MR. SHARFMAN: Objection, your Honor.

THE COURT: I will take it subject to connection.

Q Who is Richard Durham?

A He is a writer.

Q Do you know any books that he has written?

MR. SHARFMAN: Objection, your Honor.

THE COURT: Overruled.

A No, sir.

Q You don't know of any books that Richard Durham has written?

THE COURT: You have asked that question.

A No, sir.

Q What, sir, are your lifetime earnings, approximately, in boxing matches?

MR. SHARFMAN: Objection, your Honor.

THE COURT: Sustained.

Q How much did you make for the Frazier-Ali fight 2?

MR. SHARFMAN: Objection, your Honor.

THE COURT: Sustained.

Q How much did you make for the Wepner fight?

MR. SHARFMAN: Objection, your Honor.

THE COURT: Same ruling.

Q When you fought the Wepner fight, Mr. Ali, were you out of shape?

MR. SHARFMAN: Objection, your Honor.

THE COURT: Sustained.

Q Does Angelo Dundee help you prepare your strategy for fights?

A No, sir.

Q Does he know what strategy you are going to use?

A No, sir.

Q The anonymous phone call you told us about yesterday, Mr. Ali, I believe you said you got it at 12:00 o'clock on the day of the Frazier fight.

A I am not sure of the exact time. It was early. It was -- it could have been earlier.

Q It could have been earlier than 12:00?

A I don't remember the exact time.

Q They said in that phone call that -- as I remember your saying it -- "We don't have to worry but, we have the referee," is that correct?

A Something to those words. I can't remember the exact words. It was that we have the referee. I don't remember exactly.

Q While you don't know who that phone call was from, Mr. Ali, do you know who that phone call was from, Mr. Ali, do you know whether or not it was from, that phone call, the Boxing Commissioner of the State of New York?

A That's terrible. I wouldn't even suggest nothing like that.

Q So it certainly was not, is that correct?

A No, sir.

Q Were you aware of the facts, Mr. Ali, that when you got that phone call at 12:00 o'clock on the day of the Frazier fight, that the Boxing Commissioner of the State of New York has not yet made the appointment of who the referee is?

A Sir, I don't know when they appoint the referee.

Q Assume, Mr. Ali, assume there has been testimony here from the Boxing Commissioner's office that the appointment for the referee is made an hour before the fight.

With that assumption, and with the assumption that the phone call was not from the Boxing Commission, do you think that there is any merit to that anonymous phone call?

MR. SHARFMAN: Objection, your Honor.

THE COURT: The form of the question and the -- I will sustain the objection, but not the line of inquiry.

MR. SULLIVAN: Thank you, your Honor.

THE COURT: We are not passing upon merits.

Q Assume that the referee is not appointed until

an hour before the fight by the Commission. Assume that only the Commissioner knows who he is going to appoint, and assume that the phone call did not come from the Boxing Commission.

Do you, sir, with that assumption, believe that the man who spoke to you had the referee?

MR. SHARFMAN: Same objection, your Honor.

THE COURT: I will sustain it as to form. The witness is not here as an expert. He is here to testify to facts. If you want to inquire into his state of mind, there is no objection to that. He is not here to give you opinions.

Q What did you think when you got the phone call?

A A crank call. I paid no real attention to it until after what happened in the fight.

Q In which fight?

A In the second Frazier fight. I still paid no attention to the whole thing because I won the fight easy. I didn't pay any attention to it until after the Wepner fight and then it kind of added up.

Q Did you ever tell anybody about that anonymous phone call up to the time of the Wepner fight?

A I had mentioned it to Bundini and Angelo, but they didn't pay any attention. I get a lot of calls on

many subjects, my religion, the draft, all type calls, hate calls, it is just another call we get.

Q Have you ever received anonymous calls before any other fight besides the Frazier fight and the Wepner fight?

A No, sir; not that I can recall.

Q The only time you got anonymous phone calls, then, were the two times, these anonymous phone calls, that Mr. Perez refereed your fight, is that correct?

A Yes, sir.

Q Would you want Mr. Perez to referee your next fight?

MR. SHARFMAN: Objection, your Honor.

THE COURT: Sustained.

Q Would you object if Mr. Perez was appointed to referee your next fight?

MR. SHARFMAN: Objection, your Honor.

THE COURT: Same ruling.

Q You told us yesterday that Mr. Bundini Brown had shown you an article by Dick Young, is that correct?

A Yes, sir.

Q When did he show it to you?

A I don't know exactly, but it was an hour or an hour and a half or an hour and 22 minutes. I don't know

exactly. It was sometime before I went to television with Howard Cosell for the interview.

Q Up until the time that he showed you the article, did you believe that Mr. Perez had been paid by gangsters?

MR. SHARFMAN: Object, your Honor.

THE COURT: Overruled.

A Yes, sir.

Q So before that article you believed that, is that correct?

A Yes, sir.

Q When for the first time did you believe that Mr. Perez had been paid by gangsters?

A Didn't really believe it at the time, but I did later. I was suspicious of the first Frazier fight. That was the first time. I was suspicious.

Q When you say the first Frazier fight --

THE COURT: Just a minute, don't interrupt.

A I'm sorry, the second, when he was looking at the pole and the light and, the bell could be heard all over Madison Square Garden. To think he heard a bell didn't seem right. I won the fight big. I didn't pay any attention because -- then all of that which happened, and my foot being stepped on, he didn't see it there, and calling that a knockdown which hurt me in my reputation,

it goes in the record book as a knockdown and it wasn't, my man kicked me in my private with his knee and he didn't see that. The film shows that. Also the illegal rabbit punches and then him seeing that I threw as much dirt after Wepner. I said that is the same guy that is in the Frazier fight. Then this is when I really started really believeing it was true.

Q My question is this:

When for the first time, can you pinpoint when for the first time you believed that it was true?

A About the third round of that.

Q Of the Wepner fight?

A Do you mean when did I really believe?

Q Yes, when for the first time did you believe -- withdrawn.

Prior to the time you fought Frazier and Mr. Perez refereeing, prior to the time you climbed into the ring on that fight, did you believe that Mr. Perez had ever been paid by gangsters?

A Before --

Q Before you fought Frazier that night?

A No, sir.

Q When for the first time did you come to believe that Mr. Perez had been paid by gangsters?

A After about the first round of the second fight he hit me with six illegal rabbit punches, and the referee saw it but didn't say nothing.

THE COURT: This was in the Wepner fight?

THE WITNESS: Yes, sir.

A -- because after the first rabbit punch he is supposed to warn, after the second one he should warn again, after the third rabbit punch he should take a point, after four he should take a round, so six went by before he didn't say nothing.

Then I made my rabbit punching him back, as if to say stop him,then he warned me and warned Wepner. Then we went back to another and then Wepner kept -- it kept going so far until I just quit protesting and protected myself, my head was hurting. Then, I would say around -- whenever I started holding my head, this is when I really started to know this, not believe it but I just knew it.

Q In your mind in believing this, were Wepner's rabbit punches intentional?

A Yes, I know they were.

Q Were your rabbit punches in that round intentional?

A No, sir, intentional in the way that since the referee wouldn't stop the --

MR. SULLIVAN: Your Honor, may I ask for a yes or no?

THE COURT: Let him finish.

A -- I had a big press conference. I figured one day a court case or something would come up.

THE COURT: You have to address yourself to the question.

THE WITNESS: Yes, sir.

THE COURT: You were starting to say since the referee wouldn't stop it, then what?

THE WITNESS: I was demonstrating what he was doing to me, so the public and the Commission and everybody could see it so they could stop him.

Q Did you hit him hard when you did that?

A No, sir, real fast punches.

Q But not hard?

A No, sir.

Q Were his rabbit punches harder than yours?

A Yes, sir.

Q When you hit him with these rabbit punches, did you grab him and hold him around the head so you could hit him with the rabbit punches?

A I have to look at the films. I can't remember.

Q When you say the referee should take points

away, isn't it a fact that the referee takes points away at the end of the round by going to the two judges and saying I am taking points away, and then going to the corners, is that a fact?

A I have seen him do it right there on the spot. I have seen him stop the fight --

Q I have seen that happen.

THE COURT: You have seen him stop the fight and what?

THE WITNESS: Separate the fighters and go over and tell the judge, take points off, and then start the fight back. They don't wait to the end of the round all the time.

Q Which way is it done more often?

A I don't know, sir, I can't remember.

Q Isn't it a fact that the accepted procedure is to wait until the end of the round and then do it?

MR. SHARFMAN: Objection, your Honor.

A I have never been in fights where points were taken off because of what I did, and I never fought with -- so I don't have any experience of dirty fighting. I am a clean fighter. The world knows I am a clean fighter.

Q Do you know who Mr. John LoBianco is?

A No, sir.

Q Assume that the testimony in this case is that a referee should take points away at the end of the round. Now, based on that assumption, at the end of Round 1 in that fight who, in your mind, should the referee have taken points away from?

MR. SHARFMAN: Objection.

THE COURT: Sustained; argumentative.

Q Should the referee have taken points away from you for your rabbit punching in the 5th round?

A My intentions weren't rabbit punches. They were just protesting because the referee wouldn't take points off of him. He hit me about six times with rabbit punches and I told the referee, "Stop the rabbit punching." He still wouldn't, so I had to do it in retaliation, so under those conditions I don't think points should have been taken. The referee was at fault.

Q He hit you six times? How many times did you do it?

A I'll look at the films and I'll call. One thing on the rabbit punches, I would say I was hit about 154 rabbit punches. There were no complaints. We got the films.

Q You counted the rabbit punches?

A I've been counting with my lawyers before we come here. 154 before your Honor and the jury; 154 with no protest from the referee.

Q The referee never warned --

A Yes, he warned after I demonstrated.

Q Is it not a fact, Mr. Ali, that it is unsportsman-like conduct in the ring and is a major foul in New York State?

A Yes, sir.

Q When a man is down and the other boxer hits him while he is down, is that unsportsman-like conduct?

A If he hits him while he is down?

Q While he is down.

A That is terrible. If he hits him while he is down, yes, deliberately.

Q Unsportsman-like, a major foul?

A Yes, sir.

Q Should the boxer be disqualified?

A Sir?

Q Should the boxer with the man, should he be disqualified?

MR.SHARFMAN: Objection, your Honor.

THE COURT: Sustained.

Q Is it not a fact that in a referee's discretion

on the commission of one major foul he can disqualify the boxer?

MR. SHARFMAN: Objection.

THE COURT: Sustained.

Q If a fighter hits a referee intentionally, would that be a major foul?

MR. SHARFMAN: Objection.

THE COURT: Sutained.

We are here to get facts and not to have opinions from the witness stand as far as the case of the plaintiff.

Q Did you, sir, during the course of the Wepner fight hit Mr. Perez?

A If I did, not deliberately. I wouldn't hit a referee. That is not right.

Q Do you remember hitting him at all?

A No, sir, I don't hit referees. That is not done.

(Pause)

MR. SHARFMAN: May I have an objection?

THE COURT: I haven't heard a question and I haven't heard a thing here. There has been a delay. What are we waiting for?

MR. SULLIVAN: Setting up a film.

THE COURT: What exhibit are you working with?

MR.JULLIVAN: Plaintiff's Exhibit 2 for Identi-

fication. It is in evidence.

Q While we rewind I will say this: I want you to watch Round 1 of the Wepner fight. You said before you would have to watch the film to see if you purposely held Mr. Wepner while you did the rabbit punching that we spoke of.

A I'll say one thing, sir: With the illegality and the dirt that was allowed to be portrayed on me, anything that I do to keep a man from further injurying me or from further hurting me -- if it means deliberately holding him if he is continually fouling me and the authorities don't do nothing, I have to protect myself. I have to keep him off or keep some form of balance, so if that was that -- I don't do that, hold.

THE COURT: Court's Exhibit 13 has been handed up. The objection is overruled.

xx (Court Exhibit 13 marked for Identification.)

Q In any event, when you watch this round I want you to see if you did not hold Mr. Wepner while you did the rabbit punching.

A Could you show the whole round, because I want to see what he did before I did that.

Q Yes, from the time Mr. Perez comes in to break you up and try and warn Mr.Wepner of rabbit punching, and

I want you to see if you do not intentionally take your hand like this and rap Mr. Perez like that.

MR.SHARFMAN: I object,your Honor.

Q Would you look at that?

THE COURT: This is all argument, and the jury will remember that I told you you should pay no attention to questions or suggestions in questions of lawyers. They are presenting their case as advocates. We take the testimony and the evidence from the witness stand and from the visual demonstration. We don't take it from suggestions created by questions.

MR. SULLIVAN: May I suggest, your Honor, that if Mr. Ali comes down here he'll be able to see.

THE COURT: Mr. Ali --

THE WITNESS: I see.

THE COURT: Mr. Ali, do you see it all right?

THE WITNESS: I see it.

(Videotape played during which the following occurred:)

Q Is there any holding?

A Yes, there is two rabbit punches. Four, four punches, five. He is clinching. Five rabbit punches. Six, six rabit punches. No warning.

Q None by you yet?

A No. Seven, eight rabbit punches. Now the referee is not doing nothing. Nine, ten. Now I'm protesting.

Q You are holding?

A Yes, sir, I'm protesting. I have a right to. Ten rabbit punches.

Q You hit him right there?

A No, I didn't hit him. He'd be hurt if I hit him.

Q Can I play it again?

(Mr. Sullivan makes inaudible remark to witness)

A You didn't see those rabbit punches. You just saw me hold my hand out.

(Mr. Sullivan makes inaudible remark to witness)

THE COURT: No, look, this is not a street corner dispute.

THE WITNESS: Ten fouls.

Q You saw them?

THE COURT: If you want to take the witness stand we'll excuse this gentleman and let you get on.

I don't want to have a colloquy. Your job as a lawyer is to ask questions.

B2 Q Watch this again, Mr. Ali, and tell me whether or not you hit Mr. Perez.

A Not hit. That was not a hit. I would have hurt him.

(Videotape played during which the following

occurred:)

THE WITNESS: Two, four, five rabbit punches. Six, seven, eight, nine ten. I never hit him, no, sir. That wasn't no hit.

MR. SHARFMAN: I object.

MR.SULLIVAN: I hit the wrong button. I apologize for that.

Q Watch again. I'm sorry. I hit the wrong button.

THE WITNESS: Fourteen.

(Videotape playing concluded.)

THE WITNESS: That was nothing; that wasn't nothing. I took my arm out and pulled. I didn't hit nobody.

Q Yes or no --

MR. SHARFMAN: Objection.

A No, sir, I'm damn sure I didn't hit him.

THE COURT: Court Exhibit 14. The objection is overruled.

xx (Court Exhibit 14 marked for Identification.)

Q Assume, Mr. Ali, assume that that film shows that you did hit the referee. Assume that.

THE COURT: No, I don't think we'll assume that. If you have a dispute with the iwtness whom you called and you have demonstrative evidence, it is for the jury to interpret the evidence, not for you or for the witness.

Go on to another subject.

Q When you hit him with the rabbit punch, Mr. Ali--yes or no -- did you hold him when you did that?

A No.

MR. SHARFMAN: Objection, your Honor.

THE COURT: He has answered.

A No.

THE COURT: The question has been answered.

Do you distinguish between holding and clinching?

THE WITNESS: Yes, sir.

THE COURT: What is it? Give us your definition of what you say is the difference.

THE WITNESS: If I was holding -- fighters have grabbed fighters around the head and took their arm and deliberately took some hand grip and held them.

Clinching is a lot of time fighters in clinches might have his arm on his back. He may be -- the fellows like Joe Frazier and Wepner, they are fighters who also butt me, take their hands and butt fighters and to keep a man -- if he's like this far from me, I might just pull him in just enough to where he can't have the room to where he can't have the room to butt me, so to protect myself, because it is real dangerous. A lot of times with clinches with Frazier and Wepner, then you have to take your hand and clinch

them so you can have control of their movement. If you let them rock they will bump for sure in a split second until the referee breaks it up. You can clinch them but you don't deliberately just hold them.

Q Are you telling me that with one of those boxing gloves on a fighter he can grab someone's arm and hold with a boxing glove on?

A You can put your arms around his head. I've seen fighters -- and grab my wrist and actually hold a man.

Q When you hit Mr. Wepner with the rabbit punches, did you not have your other arm around his head?

MR. SHARFMAN: Objection, your Honor.

A Around his head?

THE COURT: We have seen the demonstrative evidence and I told you it will be for the jury to make the decision of what the facts are.

Q Did you curse at any tim at Mr. Wepner?

A No, sir. It is against the laws of my religion to curse.

Q Have you ever cursed at any fighter in a heavyweight championship fight?

MR. SHARFMAN: Objection.

THE COURT: Sustained.

I don't want to go into the area of pleadings

in this case, but certainly it is not the basis of any claim by either of the parties.

Q When you hit Frazier in that second round just before Mr. Perez stopped the round, did you hit him hard?

A Yes, sir.

Q Prior to the Frazier fight had you had trouble with your hands?

MR. SHARFMAN: Objection, your Honor.

THE COURT: Sustained.

Q Prior to the Frazier fight did you visit a doctor near your training camp for trouble with your hands?

MR.SHARFMAN: Objection, your Honor.

THE COURT: Sustained.

Q Prior to the Frazier fight --

THE COURT: Please don't continue on that line. It is an improper line, in my judgment, and I rule it out. This is not a forum for that type of repetition.

Q How many times have you been interviewed by Howard Cosell?

A I can't recall, sir.

Q More than 50?

MR. SHARFMAN: I object, your Honor.

A I can't recall.

Q More than ten?

MR. SHARFMAN: Objection.

A Yes, sir.

THE COURT: Overruled.

A Yes, sir.

Q Have some of the interviews occurred outside of ABC's studios?

A Yes.

MR. SHARFMAN: Objection.

THE COURT: Overruled. The witness has answered.

Q Have some of the interviews occurred inside ABC's studios?

A Yes, sir.

Q Now, the interview with Cosell in which you commented on the Wepner fight, that interview, sir, was it not held in the ABC studios?

A I don't recall, sir. I think it was. I'm not for sure.

Q Isn't it a fact that whenever you were interviewed by Mr.Cosell in ABC's studios it was always shown on television?

MR. SHARFMAN: Objection.

A I don't know, sir.

Q Isn't it a fact that any time ABC Sports paid you money to be interviewed by Mr. Cosell in ABC's studios

it was shown on television?

MR. ELDRIDGE: Objection, your Honor.

THE COURT: I'll limit it to the occasion in question in this case and not to any others. We're not concerned with the general arrangements of this gentleman with other people.

Q Were you paid for the interview with Cosell about the Wepner fight?

A I really can't recall, sir. It is so small, I don't worry about it.

Q I didr't hear, Mr. Ali.

A It is so small I really don't pay that much attention. I want to say usually I am, but I can't really remember.

Q Do you remember testifying at your examination before trial in this case that you were paid between $2500 and $5000 for that interview with Howard Cosell?

A I just said usually I am. I just said that before, but I couldn't recall if I was. I'm not here to lie about what I was paid.

Q When you taped that interview with Cosell you knew the purpose of that interview was to broadcast that tape on television, did you not?

A No, sir.

Q You had no idea?

A No.

(Continued on next page.)

Q You knew that Mr. Cosell was going to show the Ali-Wepner fight on TV with your comments, did you not?

A He told me that it probably was going to be the Jerry Quarry fight, because I think the day after I was to do a Quarry fight. I didn't know exactly which one he would do. I didn't know if it was for that day or tomorrow. I didn't know which one.

Q You knew you were going to broadcast the Norton-Quarry fight, correct?

A I knew it was one of them, sir.

Q One of them, right.

Are you telling us that you were going to be with Mr. Cosell two days in a row?

A Yes, the next day I was supposed to do -- I don't even recall if I did it or not. I was supposed to do Quarry-Norton or myself and Wepner. I didn't know exactly which one would be that day when I walked in the studio.

Q But you knew that there was going to be two shows, one for one fight and one for Ali-Wepner?

A Yes, sir.

Q Regardless of which day you did which show, you knew, did you not, that you were doing these interviews so that they would be dhown on television?

A Yes, sir.

MR. SHARFMAN: Objection, your Honor.

THE COURT: Overruled.

Q You said yes, is that correct?

A Yes, sir.

Q You knew that everything said in the interview was going to be shown on television, correct?

MR. SHARFMAN: Objection.

A Yes, sir. Not everything. Some things they take out. I said something that day about what my black behind fell and the producer came down and said we can't use black behind and we did it over.

I don't know exactly if they show everything.

Q But you knew that everything that the producer didn't cut and redo over such as that which he cut out, you knew whatever you didn't redo over was going to be on television?

A I don't really know. Probably. I don't know what they are going to do.

Q Did you authorize them to use it on television?

A No, sir.

Q Isn't it a fact --

A I never authorize them what to use, just my being there and signing the contract means to authorize it. I

never verbally say you can use this or you can't use this. When you sign the contract you know they will use it.

Q The contract you say you signed, isn't it a fact that in the contract states how much you are paid and then that you authorized them to publish it on television?

MR. SHARPMAN: Objection, your Honor.

THE COURT: Overruled.

MR. SULLIVAN: Isn't it a fact that is in the contract, your Honor?

THE WITNESS: My lawyers and my managers read the contracts, I never read them all.

Q You sign them, do you not, sir?

A If there was a contract, I signed it. I don't know if there was a contract.

Q Didn't you tell us before that there was a contract, just in your three answers ago?

THE COURT: Please, that's argumentative. You may ask questions.

Q Do you know why the words black behind were cut?

A No, sir.

Well, to me, I don't mind. For some reason it is -- their policy is that things that shouldn't be on, they just take them off, I guess.

Q Things that shouldn't be on they take off?

A Yes.

Q Do you think that black behind should be on?

MR. SHARFMAN: Objection, your Honor.

A Repeat that.

Q Do --

THE COURT: Overruled.

Q Do you think that the words "black behind" which you said should have been heard on television?

A I don't care.

Q Do you think that what you said in that program about Tony Perez, do you think they should have shown that on television?

THE COURT: That is up to the jury. That is not a question that I will allow. You are asking not for a fact but for an opinion.

Q Did you want them, sir, to show that on television?

MR. SHARFMAN: Objection, your Honor.

THE COURT: Overruled.

A If what they were to show was to be illegal under the law of the land, then I was expecting that they would take it out instead of having lawyers who do that. The way I said it is what I meant and what I truly believe about him as a job in refereeing, so if it was my television or my studio, I would show it.